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HISTORY

OF

SCOTLAND.

CHAPTER XIII.

The Threatened French Invasion—Fourbin's Fleet in the Frith—The Effect of the Attempt—The Prospects of a United Government—Commercial Disputes at the Beginning—Irritations in Scotland from the New Revenue System—English Justices of Peace Established—Scottish Privy Council Abolished—Court of Exchequer—The Treason Law—Fears of Ecclesiastical Innovation—Condition of Episcopacy—The English Official Residents bring over the English Church Forms—Offensiveness of these to nearly all Classes in Scotland—The Prosecution of Greenshields for using the Liturgy—Its Effect on the Appellate System of the House of Lords.

The Union had been but just accomplished, and men's minds were adjusting themselves to the new organisation of the empire, when that French invasion, which, at an earlier period, might have ruined the project, was announced to be at hand. It had been preceded by abundant warnings. So early as the 10th of December 1706, it had fallen to the lot of the Earl of Mar, as Secretary of State, to inform Sunderland that the Pretender was expected speedily in Scotland.* In March 1707, Colonel Hooke, a Jacobite refugee in the French service, arrived at Slains Castle, the seat of the Earl of Errol, in Aberdeenshire, as a sort of ambassador or commissioner, authorised by the court of France to negotiate

* Jerviswood Correspondence, p. 174.

with the friends of the cause, and report on their strength and willingness to act. His reports to the government of France have been printed, and their general authenticity is confirmed by their coincidence with the contemporary accounts of his negotiations left by Lockhart and Ker.* His representations, so far as they were of a general and indefinite character, were sufficiently satisfactory to his employers. England was unfortified and destitute of troops. The strength of the army was engaged in the continental wars—a source of deficiency which, however, compensated itself, since the same cause crippled the resources of France. It was represented by some that ten thousand troops would be required from France, while others thought the half of that number might suffice. Money and arms were of course demanded in abundance. To stimulate French generosity, it was represented that the Scottish people, from the Catholic Jacobites to the most rigid Cameronians, were to a man zealous for the dissolution of the Union and the restoration of their lawful king. The Scottish Jacobites proposed thus to raise an army of 25,000 foot and 5,000 horse auxiliaries. They would receive succours from Ireland, and would be joined by the English as they marched southward to the capture of London. Their first operation, after having restored the legitimate government and settled Scotland, was to seize the coal-mining districts of England, and have the command of the fuel of the south. As a preliminary condition, the exiled king must land in his ancient kingdom, bringing with him the necessary supplies, with the stipulated French force to act as a body-guard and overawe the country, while the army of 30,000 men was embodying itself.

When he came to specific undertakings, however,

* The Secret History of Colonel Hooke's Negotiations in Scotland, in favour of the Pretender, etc., 1760. 8vo.

Hooke's report can scarcely have been satisfactory. He made out a considerable list of peers and lairds, in whose good affection he felt secure; but the swelling of this list with a number of names of petty and obscure men, must have at once raised the doubts of any one well acquainted with the country. Lord Errol, with whom he lived, his neighbour, the Duke of Gordon, Lord Panmure, the head of the Drummonds, and Lord Saltoun, who represented a small branch of the Frasers in the Lowlands, seem to have given their adherence pretty heartily. It is observable, however, that Colonel Hooke seems to have been unconscious that the main Jacobite dependence should be on those chiefs of Highland hordes, who really were commanders at the head of armies, and he was so unfit for his mission that he looked to rank and riches as the criterion of capacity to serve, and occupied himself chiefly in gaining the Lowland gentry, who had little following besides their grooms and lackeys. Many of them seemed more anxious to know each other's motions than to commit themselves; and several of them represented their professed partizans as persons not to be trusted. One only, Lord Kinnaird, appears to have shown a truly chivalrous spirit, in at once offering his name without desiring to know who or what number went with him;—it was enough for him to follow the path which duty pointed out. The wily old Marquis of Breadalbane, on the other hand, was full of earnest inquiry about the intentions of his neighbours, and profuse in private verbal declarations of strong attachment, but he would put his name to no document. The Duke of Athole was ill at the most critical moment; and when the obsequious ambassador thought the importance of his mission justified him in urging a visit on the sick man, he received a friendly warning that his Grace's brother-in-law, Lord Yester, a government man, and son of the Marquis of Tweeddale, was with him, and the

emissary would only compromise his own safety by presenting himself. Indeed the number of the hardy Scottish gentry whom Hooke found then disabled by illness, was very remarkable. Lord Kilsyth, in eloquence that dissolved itself in tears, told how he was entirely attached to the Duke of Hamilton, and would follow him in whatever course he adopted. The Duke himself excelled all his previous efforts in mysterious adroitness. Hooke's devices to obtain an audience, and the agility with which they are invariably defeated, run a thread of dramatic humour through his dull reports. The Duke's secretary or confessor, Hall, was voluble enough; but he had no right to commit the Duke, and his Grace would neither give an oral nor a written testimony. An incoherent and lengthy document, it is true, professes to record his sentiments; but it was not signed by him—it was written in cypher, but not by his own hand—it was not addressed to any one—and it was full of ingenious diversities of the personal pronouns, evidently intended to disturb any internal track that might lead to the identity of the writer. It was distinct only in one feature, in a recommendation to the exile not to venture on the proposed enterprise, unless he came in strength.*

Lockhart of Carnwath, and the other clever debating Jacobites who had not hidden themselves in their estates, but kept converse with the contemporary world, were extremely annoyed by this mission; and found reasons, in the folly and conceit of Hooke, and the arrogance of the country lairds who professed to compromise a party, for discouraging the project. The Jacobitism of those politicians had already assumed a parliamentary character.

* "But I am of opinion that all the desire of pleasing the zeal or the circumstances of some may induce them to do, no thinking man will demand less than 15,000 men. . . . If you come, come strong, otherwise you will not make up an army; and this will not only encourage your enemies, but will also be the cause that those who will have joined you will forsake you."—P. 103.

It was a means of union for carrying and defeating measures; but it was no political religion to be borne through bad report as well as good, and to call for the fondest devotion when it brought its followers nearest to danger and farthest from hope. How they might have acted had a foreign army landed, or had the Highlanders marched southward in force, would have depended on the aspect of affairs; but they were clear that to ask them to commit themselves, at such a juncture, in open adherence to the exiled house, was very unreasonable.*

Hooke held out great hopes in another and very different quarter. The Cameronians were resolved, it was said, not to submit to the Union. What James Stewart might do was in the womb of futurity,—the Lord might turn his heart from idolatry to the true faith; but this countenancing of Prelacy, and submitting to latitudinarianism, was a distinct present wickedness, against which they were ready to draw the sword. Hooke said he had arranged with Ker of Kersland, a person with whom we have already made acquaintance, to bring them out to the number of five thousand, and he doubted not that they would be joined by eight thousand of the more moderate Presbyterians. The Cameronians had their own arms: all that they desired from the stranger was a supply of powder.† Ker, in his curious confession, states that he no sooner began the negotiation than he informed the Duke of Queensberry, who recommended him, as a good patriot, to join the plot, and give information of its progress. He complains that he "had a difficult game to play, and many things to do of so tender a nature that they were to be very delicately touched;" and believed that he could not have had moral courage and perseverance enough to play his part had he not

* See Hooke and his proceedings well abused in "Lockhart Papers," i. 231.

† Hooke, 43.

been supported by the casuistry of a clergyman of his own persuasion, "a man of great learning and seeming piety."*

Ker recommended that in the Prince's manifesto he should admit his present state of Popery, and profess that he would "cheerfully give ear to Protestant divines, and if they could convince him of an error from the word of God, he would be glad to embrace the religion of his people,"†—a judicious appeal to men who were far from being diffident of their persuasive powers. Ker was admitted to the cypher in which the Jacobites corresponded with France, and sent a copy of it presently to his employers. He was next confidentially informed of a design to seize the Castle of Edinburgh,—a promising speculation, and worthy of considerable risk, since the treasure for paying the Equivalent was under the protection of its slender garrison. A hundred men were to be hidden in a house near the head of the High Street. In the esplanade, which was a fashionable promenade, some of the conspirators were to mix with the throng. One was to desire to be admitted as a visitor to an officer of the garrison, and, as the draw-bridge was lowered for him, he was to shoot the centinel; and on this, as a signal, his friends were to rush forward. Ker had to complain that his revelations did not meet with all the respect they deserved: they were probably sometimes anticipated by nimbler spies. Burdened with so momentous a secret as the proposed capture of the castle, he posted to London, and had a private interview with Queensberry.‡ In the end, he stipulated that, should

* Memoirs, i. 48. † Ibid, 46.

‡ This visit was nearly fatal to his reputation and influence. A Scots Jacobite in London saw him "come out of a certain house in St James's Square." Ker, knowing that the phenomenon would be immediately intimated to his friends, posted north so rapidly that he attended a party at the Duchess of Gordon's house, in the High Street, before the letter, containing the information, reached Edinburgh, and thus he established an *alibi*.

there be a descent, the Cameronians were to take part with the government. We have his own authority, certainly not the best, that the government agreed to pay some arrears due to the Cameronians who had served abroad, and to make other pecuniary advances to the body, which were never realised. Their claims, whatever they were, seem to have at first been interrupted by official delays, and then to have been baffled by the accession of the Tory government of 1710.

After the victory of Almanza, and the other successes of the Duke of Berwick in Spain, Louis XIV. thought he might attempt that descent on the coast of Britain, for which the better opportunity had been allowed to pass. A naval armament, with transports, was fitted out, under the command of Admiral Fourbin, at the port of Dunkirk. The Jacobites hoped that Marlborough's great rival and relation, the Duke of Berwick, would have commanded the land forces. Instead of him, a more precious but less serviceable freight was confided to the expedition in his brother, the Jacobite king. As a youth of twenty years old, he had hardly lived long enough to show his friends the extremely limited extent of his capacity. This was the same prince whose birth was surrounded by so many suspicious coincidents that he was believed to have been a spurious child, and so received the designation of Pretender, which was not removed from him and his son after it was acknowledged that the suspicion of his spuriousness was unfounded. It was one of those impulsive acts for which Louis XIV. acquired a chivalrous reputation, that, after long hesitation, standing by the death-bed of the exiled bigot, he promised, as a monarch, to acknowledge the son as successor to the British throne. But the promises made with a thoughtless generosity, in which the fate of Europe was subsidiary to the performance of a courteous act, or the saying of a kind word to one who belonged to the

sacred tribe of princes, was often kept more in the letter than the spirit. Louis befriended the youth precisely to the extent to which he could make him useful for his own ambitious projects; and it would be well were his memory stained with no deeper blot than a reluctance to undertake Quixotic invasions of Britain. The present descent was avowedly in fulfilment of the promise to the young Prince: it was in reality destined to call Marlborough away from his own door.*

The presence of the Prince does not appear to have imparted much confidence to the armament, and the only important event to which it seems to have given rise, is that the expedition was detained by his Majesty having an attack of measles. The expedition consisted of five men of war, two transports, and twenty-one frigates. The land force is said to have been 5000; but only about 4000 were taken to sea, some of the frigates, in which men were dispersed, having been driven back. By the aid of their informers at home, the British government had been long taught to expect a descent from France. When the preparations at Dunkirk were begun in January, their progress was carefully noted, and before the French were ready, sixteen men of war, under Sir George Byng, were cruising to intercept them. Having slipped out unperceived, the French fleet lay windbound at a place called Newport Pitts. There they were seen from the steeples of Ostend, and the English admiral informed of their position. It appears, however, that the necessity of the wind required him to remain at a place called

* The King of France's promise, mentioned in the life of James, edited by Staniers Clarke, ii. p. 597, is confirmed by the diary of Sir David Nairn, under secretary of state at the exiled court, still in MS., and possessed by James Denistoun of Denistoun. Among his brief entries is the following:—"Tuesday, 13th September 1701. This day the K. was a little better, and not so drowsy. In the morning he desired to receive the viatique a second time, which the curé consented to, and administered to him. I was present, and all the company was charmed with his sensibility and devotion,

Gravelin Pitts, so far to the southwards as to give the French eight hours clear headway, should they both start northwards.* They had the farther advantage of catching the ebb of the tide; and having their clear destination before them, the Firth of Forth, they stretched out to sea, while the English fleet, not knowing where their aid might be necessary, hugged the shore, and thus increased the advantage already gained by the French. They first sighted the land at Montrose; had they not thus overshot their mark, they might have disembarked their force, if they really desired to do so. Turning southwards to the Firth of Forth, they lost the tide, and had to anchor under the Isle of May. Here, on the morning of the 14th of March, the man at the mast-head announced the approach of the English fleet. Fourbin cut his cables, and made all sail northwards. One vessel, the Salisbury, which had been a capture from England, having sailed a little way up the Firth, was taken; but the others escaped almost untouched, and were seen to clear Buchan Ness, and enter the open sea. Byng returned to the Firth of Forth, and remained there till the relanding of the expedition was announced. Had he lived in Nelson's days, he would have intercepted its return to France, and dogged it till it fell into his hands.

To the inhabitants of this island, threatened French invasions resemble what reputed attempts to rob a country house are to its inmates,—matter of serious consideration at first, followed by retrospections expanding as

and after he had received he declared distinctly and said,—I forgive the P. of Orange, the Pssc of Denmark, and all that have assieged me, and remember Fr. Sanders (said he) that I forgive the emperor also.

"In the afternoon, the King of France came and told him that if it pleased God to dispose of him, he would own the Prince of Wales King of England, which gave great satisfaction to the King and comfort to the Queen, and to all his subjects and servants, who weaped for joy and grief mingled together."

* So Defoe says on nautical authority.—*Hist. of the Union*, p. 5.

they grow less distinct on the nature of the risk, till it is forgotten in the next national crisis. The Jacobites looked back on this with bitter regret as a stroke on the eve of success, and lost only by a tide or a wind. The friends of the Revolution Settlement, so far unintentionally echoed this view as to look back with a shudder on the danger they had narrowly escaped. The events of 1715 and 1745, in some measure justify the formidable retrospect. How strongly the Jacobites might have risen on the landing, there are no means of knowing. Their own subsequent announcements are boastful enough; and it is said, that when the first rumours passed through Edinburgh, that the tall masts might be seen against the sky beside the Isle of May, the disaffected assumed a presumptuous and exulting deportment, which touched their opponents with a mingled sense of indignation and apprehension. It was observed, that the nonjuring Episcopal clergy came forth to public notice just as the Covenanting ministers had on the rumour of the Prince of Orange's landing. There was, doubtless, much excitement and expectation; but there was a wretched deficiency in preparation and solid aid. The Duke of Hamilton, still considered the head of the Stewart cause, was true to his old dubious policy. One who went to convey to him what he thought the first intelligence of the proposed expedition, found him at Murray of Stanhope's house, near the border, so far on his way to England. When his friends spoke about his immediate return, as a matter of course, he told them that, all things considered, he had better go on; a sudden alteration in his intentions might excite suspicion, and betray the cause. He would wait anxiously for news of the expedition, and when he heard of its arrival, would instantly return. Taking up his abode on his English property at Ashton, in Lancashire, he found himself fortunately in the custody of a king's messenger when the news of the

sailing of the expedition reached him. Thus prevented from returning, he assured his friends, that had the more eventful crisis of the landing occurred, he would have broken his guard, and forced his way back to place himself at their head; but few of them believed him. The criminal records of the time show the limited and negative character of the movement in aid of the expedition. Stirling of Keir, Seton of Touch, and a few other lairds of Stirlingshire, were put on trial for high treason, by assembling in arms, and drinking the Pretender's health. All that could be shown was, that they had swaggered about with more zeal and animation than their wont, and that they were notorious Jacobites. They were mere Lowland lairds without a following, and there was nothing in their conduct so conspicuously different from the usual practice of going about with a few armed servants, and holding convivial assemblages, as to entitle the jury to convict them, so that a verdict of "not proven" was found.*

It has been found difficult to account for the serious commencement and utterly ineffective execution of the French expedition; but it seems clearly owing to the fact, that it was not responded to on shore, and that the Scottish Jacobites, declining to commit themselves with the preconcerted signals, Fourbin would not peril his countrymen by attempting a landing.† That the appearance of the English fleet would not in itself have prevented him from making the attempt, is clear, for that fleet had been hovering over him for weeks; and the policy with which he started was, to elude it somewhere

* State Trials, xiv., 1395. One of their places of meeting was the Brig-o'-Turk, so well known to the readers of the "Lady of the Lake" It seems to have then been a hamlet, with an inn, and a comparatively populous neighbourhood, though a hundred years afterwards, when Scott saw it, it had become the wild solitude he describes.

† Father Daniel says distinctly, "On fit les signaux ausquels les Ecossois ne répondirent point."—vi. 173.

for a few hours, and throw his men on shore.* When he had sailed northward, and Byng slackened the pursuit, he had an opportunity of accomplishing the landing on more favourable ground than the Lothians, close to the territory of the Errol or the Gordon family in the north-east, or among the MacDonalds and MacKenzies of the west. The Scottish and Irish officers on board urged a landing at Inverness, and obtained the sanction of their royal leader to the proposal, but Fourbin would not consent. It may be finally observed, that all who were concerned in this affair kept out of view the main effective element of any insurrection or convulsion in Britain, namely, the Highlanders, who, as a people having no stake in the peace and prosperity of the country, or in its constitutional institutions, were an army in the hands of any one who could secure the allegiance of their leaders. Without them, even with French aid, we should never have seen a Jacobite rising in Britain. Five years earlier, one of their own most wily chiefs had indicated this means of attack; and in

* There is evidence, in the continental diplomacy of the period, that the attempt was intended to be serious on the part of France, and that the government expected it to be well seconded. Thus, Lord Manchester, the British ambassador at Venice, writing to Lord Sunderland on the 30th of May 1708, and detailing an affront for which he is seeking redress, says:—"I must observe to your lordship the conjuncture of this proceeding. It was done the day after the French ambassador had acquainted the college that the pretended Prince of Wales was at Dunkirk in order to go to Scotland, where the whole nation was in arms, and had declared for him, etc. I was uneasy, till my letters from England told me that all was quiet there. I sent my memorial before they arrived, and am sure that, had they not brought that advice, I should not have had such an answer."—*Cole's Memoirs*, p. 519. The affront was the seizure of some goods attempted to be smuggled under the ambassador's flag. It was admitted that the attempt was a fraud, both on the Venetian revenue and on the ambassador; but reparation was nevertheless required, and, after due perseverance, amply obtained, for touching the gondola with the ambassador's flag, however employed. The affront was much less than that contemporary arrest of the Russian ambassador on the streets of London, for which the Czar, though he demanded the blood of the offending bailiffs, could get no further redress than an indignant preamble to an act of Parliament.

the actual rebellions which followed, it was the main instrument.

Looking to the other side of the question, there was certainly but a meagre force in Scotland to meet 4000 regular troops. The chief immediate resistance must have come from the Cameronians, who, having chosen their side, would have fought for it with their usual stubbornness and steady discipline. In Scotland there were but two regiments of dragoons, so thin as to be little better than skeletons, and numbering about 400 men. The horse guards and grenadiers made 250 in addition, and five battalions of foot, numbering 1000 men.* The English troops were now, however, a British force, and Scotland was part of their country. Such as could be mustered were marching gradually northward to meet at York, but they were not numerous, amounting only to 7000 foot and 1850 horse. Ten battalions of British troops in Holland were to be shipped over by the States, who were ready to give an auxiliary force of their own troops. But the concentration of these various forces in Edinburgh must have been a tedious matter; and had a

* Defoe. Debate on the Threatened Invasion; Parl. Hist., vi., 766. Lockhart, who generally confirms the other accounts of the poverty of the defences, endeavours to describe the consternation and confusion of the officer in command at Edinburgh:—"Advice had come from Sir George Byng, that he had come up with, and was then in pursuit of, the French fleet; and then it was that everybody was in the greatest pain and anxiety imaginable, some fearing that it would, and others that it would not, determine as it did. In this perplexity were people, when, on the next day, being Sunday, a great number of tall ships were seen sailing up the Firth. This put our general in such a terror and confusion as can scarcely be well expressed. He drew his army up in battle array on the sands of Leith, as if he'd oppose a landing, and in this posture did he remain for several hours, when at last his fears, which truly had almost distracted him, vanished by the landing of a boat, which acquainted him that it was the English fleet returning from chasing the French."—*Lockhart Papers*, i., 244. Drawing up troops to oppose a landing, is an odd method of showing terror and confusion; but the leader who shows readiness and preparation which are not put to the test, seems to be generally deemed nearly as legitimate an object of ridicule, as he who proves wanting in the hour of need.

landing been effected, and the Highlanders been marched down, there is no doubt that the Revolution Settlement and the Union would have been in extreme danger.*

In Parliament, where congratulatory addresses naturally followed such a release, the opportunity was taken for striking a blow at the rising influence of that new Tory party which, without professing Jacobite principles, far less adhering to Popery, was known to have a dangerous leaning to the exiled house, if not an actual understanding with it. Her Majesty was told that the attempt could not have been made but for encouragement at home; and was exhorted, in future, not to suffer those to have access to her royal person who, at the time "when this hellish attempt was afoot, and near breaking out," were endeavouring to misrepresent the actions and conduct of her faithful servants. The occasion gave a temporary triumph to the constitutional party. The Queen twice used the word "revolution," as expressing the conditions of settlement of the throne—a term which she had been taught to avoid, and personally disliked.† But with the fear of invasion, and the alarm created by the discovery of the treasonable correspondence of Harley's assistant secretary with France, the re-action in favour of the Whigs passed away.

It is now time to look at the manner in which the two States began to live together in union. The commencement of their joint career was by no means auspicious, and afforded too many opportunities for those whose temper and propensity lay in aggravating national

* Lord Leven, the commander of the forces, writing to Lord Mar as secretary of state, said—"I leave it to your lordship to consider my circumstances. Here I am—not one farthing of money to provide provision, or for contingencies or intelligence—none of the commissioners yet sent down—few troops, and those almost naked. It vexes me sadly to think I must retire beyond Berwick if the French land on this side the Forth."—Quoted in Debate on the Threatened Descent, *Parl. Hist.*, vi., 769.

† Parl. Hist., vi., 729; Tindal.

dislikes and quarrels, successfully to pursue their occupation. Though England, after she had been driven with many grumbles to give her neighbour participation in her beloved trade privileges, conceded the matter at last with full and liberal frankness; yet it was still the point on which she was most susceptible to causes of irritation, and they were too readily and abundantly at hand. When the conclusion of the measure had become a pretty sure event, and especially after it had passed, but before it came into effect, commodities were purchased by capitalists of both countries, and brought into Scotland under the small duties, that after the 1st of May, they might be carried across the border, and sold in England. They were even brought in under duty, for the farmers of the revenue, seeing that their source of speculation had but a short time to live, found it their interest to submit to such deductions or evasions as might afford a great inducement to increase the quantity of commodities passing through their toll. If these projects were dubiously within the character of honest mercantile dealing, some others, to which Englishmen had recourse, were certainly beyond it, as, for instance, where tobacco, carrying a bounty on exportation, was sent to Scotland, before the 1st of May, that after drawing the bounty, it might be conveyed back and sold in England. The want of an arrangement for these things, was a decided omission in the preparation of the treaty. English commercial interests being strong in the Lower House, it was resolved there to apply a remedy after the treaty was passed. A bill on this principle was passed by the Commons, and sent to the Lords, where it was thrown out; "but," in the words of a rising statesman, "the Commons were stubborn, and sent them the same bill again."* It was seen that any

* Robert to Horace Walpole, Coxe. ii., p. 8.

such attempt was, though it did not profess to interfere with the genuine property and transactions of Scotsmen, a dangerous tampering with the Union, and its progress was baffled by a prorogation.

But these disputes were only the antecedents of an event which showed sad mismanagement, and in conjunction with others of a like kind, created a feeling against the alliance in Scotland, such as had not arisen during the hottest periods of the debate and the war of pamphlets. After the 1st of May, the vessels laden with foreign goods, which were to be introduced as Scottish merchandise, sailed up the Thames. Defoe says, that there was in one fleet forty vessels,* chiefly laden with French wine and brandy—articles which, however acceptable to the people of England in detail, have ever been made war on in the mass. This virtual inroad of foreign high-customed goods evading the duty, exasperated the fair-trading English merchants. The Board of Customs took their cause, and the vessels with their cargoes were seized, on the plea that they were not a fair importation of goods from Scotland, under the new rule which opened the trade between the two countries, but were virtually merchandise smuggled from abroad, under the shadow of the treaty. The operation of seizure, when once decided on, was performed with English strictness and triumphant harshness. The officers of the vessels were treated as criminals. The goods, it was said, could not be put in safe keeping to await consideration on the question of their legality, like the imports of a fair trader, when there was a question about the amount of duty. The ground of their seizure was that they were smuggled goods, and they were treated accordingly, until the higher powers interposed for their protection.

* P. 572.

Scotland was on fire again, and the old days of the seizure of the Annandale were revived by conduct which seemed evidence of England's haughty determination to trample the treaty in the dust, when it interfered with her interest or her capricious will. Angry protestations poured in upon the government; and the Jacobites, particularly anxious at that moment, for obvious reasons, to excite a quarrel, were exultingly busy. Unfortunately for the temper of England, it was one of those periods of depression which turn the enterprising merchant savage, and prompt him to fly at every person and every measure that he can, by any ingenuity, associate with his misfortunes.* The matter was reserved for the opening of Parliament. It was there felt, that to push forfeitures or penalties, in relation to the goods, would again endanger the peace with Scotland; while it was seen that the scheme could not be repeated, and must at the worst end in a small loss of revenue. On a vote of the House of Commons, it was resolved to abide by the loss, and remit the duties on the imports.

But cause of enmity still more formidable passed across to Scotland itself, where the Englishman showed his least amiable characteristics. To manage the revenue, new commissioners of excise and customs were appointed, consisting, in a great measure, of Englishmen.† They

* In a debate on the state of the commerce and naval force of the nation, Lord Haversham said: "Your ships have been taken by your enemies as the Dutch take your herrings, by shoals, upon your own coasts. Nay, your royal navy itself has not escaped: And these are pregnant with misfortunes and big with innumerable mischiefs. Your merchants are beggared—your commerce is broke—your trade is gone—your people and manufactures ruined. The Queen has lost her customs, and the Parliament must make good the deficiencies; while, in the meantime, our allies have an open and flourishing trade, and our enemies make use of both our own ships and seamen too, against us." —*Parl. Hist.*, vi., p. 599. England, thus describable, was by no means in a condition or humour for amicably admitting interlopers and rivals in trade.

† Lockhart says, "They consisted partly of English and partly of Scotsmen,—*though these latter had no pretensions to entitle them to that name, save their being born in that country.*"—*Papers*, i., 223.

were followed by subordinate officers trained in the English method of realising the duties, whose distribution through the country afforded opportunities for saying that a swarm of harpies had been let loose on the devoted land, to suck its blood and fatten on the spoils of the oppressed people. The commissioner and surveyor went about amid the same atmosphere of odium as the publican of old. The Englishman's national character is not the best adapted for such delicate operations. He lays his hand to his functions with a steady sternness, and resolute unconsciousness of the external conditions by which he is surrounded. The subordinate officer generally feels bound, with unhesitating singleness of purpose, to the peculiar methods followed at home in his own "department," as being the only true and sound methods. He has no toleration for any other, and goes to his duty among strangers as one surrounded by knaves and fools, whose habits and ideas must be treated with disdain. Thus has it often happened, that the collective honesty and national fidelity to engagements of the English people, have been neutralised by the tyrannical pride and surly unadaptability of the individual men who have come in contact with other nations.

These characteristics were, in Scotland, thrown among unhappily aggravating conditions. The taxes were greatly increased—an irritating incident in any circumstances, for which the present expenders would not readily take in compensation the prospects of future national prosperity. There were disputed readings on measurements, which the English officers always settled in their own way, deeming the method to which they had been trained, the only one that was right and could be tolerated. Their system of guaging and admeasurement was new and irritating to a people, who in the practice of farmed duties were unaccustomed to it. Some pamphleteers had told the Scots that they would

be less rigidly dealt with by the stipendiary officers than by the farmers, but this was a mistake. A farmer-general was not that term of terror in Scotland, which it came to be in France in the days of Voltaire. The lessees of the taxes seem to have followed a policy of "live and let live," and to have found their interest in conventional relaxations, which tended not only to make their duties easy and agreeable, but to afford a certain free play to the consumption of taxed commodities.

Some of the English innovations in the revenue system neutralised indignation by the ridicule they excited. A large cargo of birch fagots, oddly notched, were conveyed to Edinburgh with state pomp and mystery, and the citizens were hard to persuade that they were not addressed in irony, when told that these were tallies for recording the receipt of moneys into the national exchequer. They were indeed the same primitive symbols which were used in England until the year 1834, when, from their incremation, the two Houses of Parliament were burned down.

The irritation produced by the new taxation system at its commencement, was helped and enhanced by a delay in the transmission of the Equivalent, which a hot and hasty people readily suspected to indicate that it never was to be paid.* Nor was satisfaction entirely

* According to Defoe, while the absence of the money created much sharp comment, it did not, when it came, receive the proverbially hearty welcome of long-expected remittances. "The money came to Edinburgh in twelve wagons, guarded by a party of Scots dragoons, and was carried directly to the Castle. If I omit to enter into the detail of the reproaches and railings at the poor innocent people that brought it; nay, at the very horses that drew the carriages, it is because it was a folly below reproof, and rather deserves pity."

This is followed by one of his curious and mysterious inuendos.

"If I omit naming a known person, in no concealed station, who was for having the dragoons that guarded it hanged for bringing it in; and being asked, What he would have the poor men do with it? he answered, They should have cut all them that brought it to pieces, and kept the money from coming into the country; if I omit naming this gentleman, it is in respect

restored, when, on the transmission of the money, it was found not to be entirely in bullion, but to consist, to the extent of nearly two-thirds, in exchequer bills. This cause of wrath was temporary; but the taxation system fixed a sore on the community not to be eradicated ere they rose in wealth and prosperity, so as, with allowance for the difference of population, to measure affluence with England. The same duties which, in England, it was more economical to pay than to evade with pecuniary and personal risk, were in Scotland an ample reward to the smuggler. It was noticed that, soon after they began to be leviable, a whole fleet of Dutch luggers arrived in Scotland with their cargoes of contraband goods. Thus was commenced that national system of smuggling, of which we shall afterwards have to behold the evil fruits, as they came to maturity, not only in occasional dishonesty and violence, but in a deep, permanent influence on the national character.

The new revenue system came entwined with other innovations, which were unfortunate, because they were of English origin, and were brought over at a time when everything from England was liable to suspicion. It was necessary for the collection of the revenue to scatter local courts, or more properly speaking, local executors of the law, through the country. The hereditary or signorial jurisdictions were numerous and formidable; but they were not in the exact places to which the exigencies of the revenue pointed. There were Lords of Regality and of Barony in abundance; but they did not happen to be conveniently at hand where natural har-

to his character, and in hopes he may live to be wiser and acknowledge his inconsiderate rashness."—p. 589-90. A person equally great and mysterious, perhaps the same, is alleged to have discredited the exchequer bills by refusing to take them in payment of L.4000 or L.5000 in Darien stock (591). There were, however, no subscribers to such an amount. The highest subscriptions were L.3,000, and it does not appear that individual purchasers of the stock of minor defaulters can have gone above this amount.

bours favoured the runners of tobacco and brandy. The power of the Scottish territorial aristocracy had its exercise in those hereditary courts; that of the English was, by a wiser system, immediately dependant on the crown in the system of justices of peace. This system had, with other advantages, that of being more adaptable to the shifting necessities for local judicature than the hereditary system of Scotland, where judges held high authority over deserted territories, and neighbourhoods, where population had rapidly increased, became chaotic in judicial destitution. There had, before the Union, been attempts by the Scottish Parliament to create a justice of peace system resembling the English; but they had failed, the project being imitative, and not according to the habits and needs of the people. To meet the exigencies of the new system of taxation, the statutory powers were revived, and the Scottish Privy Council issued a commission of the peace. It was, of course, modified to the law and customs of Scotland, and therefore entirely unadapted to the habits and prepossessions of the English officers of excise and customs. It was a foreign instrument, of which they could make no use; and with an imprudent haste, which brought melancholy consequences, it was resolved, since the tax-gatherers could not bend themselves to the institutions of the country, to twist the institutions to the tax-gatherers' convenience. The obdurate rigidity of English legal and official practice thus justified much that had been predicted by the enemies of the Union, disgusted many of its friends, and gave too much ground for complaints of substantial injustice. Wherever the English trained officer—of the law, the revenue, or whatever department he might be—went, there he believed that he took his native practice and institutions with him. He was not to be easily convinced that it could be otherwise; and, if he found at last incontrovertible

evidence, as the excise and custom-house officers did, that there were fundamental laws right against their practice, then such laws must be removed as nuisances and annoyances. Thus the revenue department lost no time in demanding that the Scottish justices of the peace should be made fac-similes of the English. An act of Parliament was immediately passed for the purpose, and a commission from the Lord Chancellor promptly issued under the Great Seal. Nothing could seem more studiedly offensive to Scottish pride and prejudices than its very commencement, heading the list of justices of peace for each county in Scotland with "the most reverend father in Christ, and our faithful counsellor, Thomas, Archbishop of Canterbury, Primate of all England, and Metropolitan thereof." The old Scottish commission was a brief document, intelligible to the people—the English was a cumbrous heap of old established technicalities, to which the sages of the law at Westminster Hall had long attributed conventional meaning; but which, to the inhabitants of Scotland, were an inexplicable maze of perplexity, and conveyed no distinct impression of anything else but the haughty insolence of affluent England, and her intention to make the Union a virtual conquest.*

The act by which this novel institution was created, made another and more important change, of the advantage of which there can be no doubt, however opinions may differ about its abruptness, or any other immediate prudential consideration. English statesmen were startled —it is perhaps not too strong to say shocked, by finding

* Practice, adapting the actual authority of the justices of peace in Scotland to the law of the country, has made it totally different from the terms of the commission, which, when the Scottish justice happens by chance to read it, is apt to startle him with the enumeration of powers which he never was conscious of possessing. One may imagine the astonishment of the country gentlemen when they found themselves, in conjunction with the Archbishop of Canterbury, etc., authorised to act, "concerning all and what-

that in the nation legislatively united with them, there existed a secret irresponsible tribunal, with powers never defined, but which expanded or contracted themselves with the state of politics, and were thus greatest at the same time when they were most dangerous. This body was the Privy Council, or, as it was called in Scotland, the Secret Council. It had done all the dreadful work of Charles II.'s reign of terror; and for aught that existed in the Scottish constitution to control it, might do the same again. It was one of the institutions which Scotland had adopted, by tacit imitation, from continental practice. It was totally ungenial to the English constitution, and was equally so to the people of Scotland, among whom it was an importation, not an indigenous production. It did not act under strict rules of law, like the English courts of justice, nor were its members immediately responsible to the representative legislature, like the advisers of the crown in England. They were a separate body, with wide and indistinctly defined powers, with but a partial responsibility even to the Crown, if the monarch thought fit to question their proceedings, and with no effective responsibility to Parliament. English statesmen, when they saw into the character of this body, said that it must be swept off at once; and so it was, in a statute which, as if it were to supply something which had been accidentally omitted in the Treaty of Union, was called "An Act for rendering the Union of the two Kingdoms more entire and complete."* No Scotsman, with a sense of justice and civil liberty, could lament the fall of the Scottish Secret Council; yet the method in which it was swept away, partook so much of

soever felonies or capital crimes, witchcrafts, enchantments, magical arts, sorceries, transgressions, forestallings, regratings, ingrossings, and extortions whatsomever." The only expression introduced with a peculiar reference to Scotland, was not calculated to please all classes of the country; it was directed against those who "shall either go or ride armed in conventicles contrary to our peace."

the insulting spirit of the other changes following the Union, that it was put down on the debit side of the account with England. What rendered it by no means less alarming was, that it was carried on popular grounds by an opposition in the House of Commons, against the efforts of the government. It seemed thus as if the innate domineering spirit of the English legislature could not be restrained, but must run riot in the demolition of the national institutions of Scotland. The bill was brought into the Commons by the independent Whigs, indignant that so inquisitorial an institution should exist in the country, and they were joined by the Tory opposition, glad of an opportunity of baffling the ministry, who had many reasons for keeping up so powerful an instrument of local influence in Scotland. But the united opposition greatly preponderating in the Commons, swept the impetus of its success into the Lords, where the bill was carried through by a majority of only five.*

The establishment of a Court of Exchequer in Scotland, on the English principle, was not a very formidable innovation, and might tend in some measure to pacify alarming anticipations that all public functions were to be gradually centralised in London. Nor could there be any solid complaint against an arrangement for holding criminal circuit courts throughout the country—a manifest improvement on the administration of justice, rendered the more necessary by the removal of the Privy Council. But a revolution of the law of treason, effected in the succeeding session, touched a more sensitive nerve of national feeling. When the laws and local institutions of Scotland were left sacred by the Treaty of Union,

* Parl. Hist. vi., p. 607; ii., p. 473. There are some very instructive, though fragmentary, remarks on the constitutional tendency of such a privy council as Scotland had, in the notes on Lord Somers' speech on this occasion, in "Hardwick's State Papers," ii., p. 473.

it probably had not been foreseen how far they might affect England. If the law for the punishment of ordinary crimes might, perhaps, be safely left, as the Scots in their ignorance desired to have it, this would do little injury beyond the border. But if the law for the punishment of state offences were ineffective, the peace of England might suffer; and that it was ineffective, was decided at once by the English lawyers, since it was different from the law of England. The trials following the attempted descent had just taken place. The law statesmen of Westminster Hall saw that they were conducted in a jargon not of their own kind—they saw that they did not lead to convictions—and thus everything concurred to drive them to the belief that England was unsafe beside the treason law of Scotland. An act was passed to remedy the evil, and it could not have been accomplished in a manner better calculated to aggravate the growing jealousy of the Scots. A considerate statesman would have endeavoured, in producing uniformity, to keep as far as he could from view, that virtually the measure was a transference of the English laws to Scotland. Perhaps this might have been most effectively accomplished by a new consolidating act, digesting the law of high treason for the whole kingdom. But the actual measure contained no definition of high treason in Scotland, farther than by prescribing, in general terms, that what was law in England should be law there. The authority of the old Court of Justiciary was superseded, and the English method by commission of Oyer and Terminer prescribed. The bill was resisted by the Scottish members almost unanimously; and it does not appear to have had the professional assistance of Scottish lawyers in its preparation, for its technicalities were English, and in attempts to describe Scottish institutions it made a blundering application of English terms, which increased the disgust of the moment, and left a legacy

of technical dubiety to be settled by future forensic discussion. It seemed as if the scornful prophecies of the indignant Belhaven were now indeed rapidly marching on to their fulfilment.*

It was useless to tell the people of Scotland that the sages of the law had, by a course of judgments and opinions, going back through centuries, reared up a fabric of practical law on this head, very advantageous to a fair trial and to the liberty of the subject, which might incur a risk of injury in any attempt to remove it from its indigenous position in the case books, and adapt it for transplantation into the statute-book. It was useless then to tell them, what they took nearly a century to discover in practice, that the strict application which lawyers had given to the English treason law, if it could not be distinctly set forth in theory, was of eminent advantage to the subject in practice. Perhaps no nation would have readily admitted the concealed beauties of a foreign state law, admitted to be so intricate and obscure that its adherents did not profess themselves able to give a lucid view of its character, and could not trust themselves with the task of laying it down specifically in a statute. There have been few instances certainly in which national patience has been so severely tested.

The opposition of the Scottish members to this mea-

* "I think I see our learned judges, laying aside the practiques and decisions, studying the common law of England, gravelled with *certioraris*, *nisi priuses*, writs of error, verdicts indonar, *ejectione firmæ*, injunctions, demurrers, etc.; and frighted with appeals and advocations, because of the new regulations and rectifications which they may meet with." See above, vol. I., p. 450, In a protest against the Treason Bill, signed by all the Scottish and a few English lords, one of the reasons is, "The preamble of this bill may happen to give unnecessary grounds of suspicion to mistaken people, that there is a tendency towards a total alteration of the laws of Scotland, which cannot but create great uneasiness to that people, who rested in a confidence that their private laws were reserved to them by the articles of the Union, so as not to be altered without the evident utility of the people of Scotland."

sure was so resolute and unanimous, that, in the battles through committee, it was at one moment abandoned by its supporters, who, however, resumed possession of it, and forced it through.* Yet the opposition were strong enough to carry a significant amendment, which was all the more encouraging to the opposition, that it was satisfactory to a considerable portion of the Scottish landowners. It greatly limited the peculiarly English law of corruption of blood, taking heirs of entail out of its rule of forfeiture, and providing that, after a certain contingency, forfeitures should go no further than the traitor's life-interest in the estate. The contingency, when this relaxation of the old established English treason code was to take place, was the death of the Pretender. The opposition obtained, too, before the measure was carried, a partial adoption of the Scottish arrangements for informing the accused of the testimony to be brought against him.

If the Scots were made angry by the result of this dispute, it yet, in some measure, taught them their power. The social conduct of their fellow Commoners tended to isolate them. It was a time when sharp and telling personal allusions went farther in the House than high eloquence or well-knit dialectic controversy; and without descending to rudeness, the polished contemporaries of Wharton and St John could madden the sensitive and haughty Scots by light shafts of raillery, about their pronunciation or knowledge of parliamentary etiquette. But if the proceedings, grave and gay, of the new arena in which they were placed, taught them sullen alienation, it drove them also on that national instinct of combination and steady mutual support, which has sometimes constituted the reproach, but has more frequently been the envied glory and strength, of

* Parl. Hist., vi. 797.

the national character. Acting as a compact and organised body, they made themselves felt in the peculiar tactics of the British Parliament. Thus a certain Sir Harry Puttoncolt having sneered at the Scots, was marked for punishment, and having to fight a close controverted election, the Scottish brigade sent their whole compact weight into the opposite scale, and threw him out.* This was a small triumph by itself; but it discovered a tactic likely to become formidable when more momentous occasions might come for its exercise. They found this opportunity in some questions as to restrictions and bounties on the exportation of manufactures and coal, and had to boast, that by judicious manœuvres, they had served the pecuniary and trading interest of Scotland. They stuck fast to the bargain for spending within Scotland the proportion of the new taxation, corresponding to that which, in England, went to pay debt, and acquired a reputation for securing to their country, at least the full benefit to which she was equitably entitled.† Even from the negligence of English members as to the local affairs of the north, they gathered power. In their persevering attendance and steady co-operation, they had sometimes the votes of the House at their command, and under the aspect of being left alone to the management of their own national business, they took care that it should be transacted greatly to the national advantage.

* Lockhart Papers, i. 217.

† See the Lockhart Papers, i., p. 326, *et. seq.*

CHAPTER XIV.

The Ministerial Revolution—Its Connection with the state of Episcopacy—A new Ecclesiastical feature in Scotland—A Scottish Church Deputation in London—Act for tolerating the Episcopal Clergy—Apprehensions excited by it—Oath of Abjuration—Patronage Act—The Efforts against these Acts in London—Their Reception in Scotland—Nature of the Patronage Act, and Sources of Misunderstandings about it—The General Assembly and its Reception of the Acts—The Division of the Establishment and the Episcopalians into Jurors and Nonjurors—The Cameronians and the first Secession from the Church of Scotland—Hepburn—MacMillan—The Auchinshauch Testimony—Career of the Cameronians—Jacobite Movements—Farther Offensive Anti-national Acts—The Yoole "Vacance"—The Peerage Question—Motion for Repeal of the Union—Death of Queen Anne.

THE ministerial revolution which attended the fall of the Marlborough family, and the elevation of Abigail Hill to the Queen's confidence, was the first great event which, after the irritations immediately following the Union, exercised a peculiar influence on Scotland. It can be best explained by an account of some of the preceding ecclesiastical conditions on which it had its main immediate influence. The Established Church of Scotland, smothering the influence of her most ardent spirits, was daily becoming more quiet, contented, and discreet. On the other hand, since the greater portion of the episcopal clergy, who came under the Comprehension Act, or maintained a predatory possession in defiance of the law, had dropped away, the allegiance of their hearers was divided between moderate Presbyterians and a new body of Episcopal clergy, endowed with strong Jacobite predilections, and a decided hostility to the Establishment. In some measure appeased by the accession of Queen Anne, from

which they indulged in many legitimatist hopes, they attracted little notice until the period of the Union, when the very strict stipulations for the preservation of the Presbyterian Establishment, appeared to have excited and alarmed them. There is no doubt that they knew more than was becoming in men of the profession that ought to be peaceful, about the views of the exiled court, and the applications for aid from France. In the anxious period between the first rumour of Fourbin's expedition and its return to Dunkirk, a flock of episcopal clergymen were prosecuted in Edinburgh, for officiating without the qualification of the oaths, and evading the injunction to pray for the Queen and the Princess Sophia. They had done nothing ostensibly hostile, and maintained that they prayed for the whole royal family; but it was perfectly well known what was meant in this equivocation. The proceedings against them, however, were only of the gentle kind which gives a friendly admonition; and the failure of the expedition saved them from incurring more serious danger.

These proceedings were instituted by the Crown on purely political grounds. Queen Anne and her servants had every motive for countenancing the Scottish Episcopalians, would they but be tractable. Shortly after the Union, however, their clergy were subjected to prosecutions which did not proceed from the Crown, but from the Established Church, municipal corporations, and zealous citizens. Unfortunately, the protection and support which the episcopal clergy received on this occasion, fitted too effectually into the other events which tended to prove that English institutions, civil and ecclesiastical, were to rule in Scotland, because England was the stronger party in the new alliance.

The official changes following the Union, brought a few English families to Scotland, who were desirous of attending episcopal service after the forms to which they had been accustomed. It occurred to them—and was a

view naturally advocated by their friends, the Scottish Episcopalians—that as the kingdoms were one, the person who was an ordained and legal clergyman in any one part, carried his merely clerical privileges into the other. He could not, of course, hold the benefices which were part of the local Establishment, but he might communicate his clerical services to those who acknowledged and desired them. Thus, gradually, clergymen of the Church of England crept into the country, and assumed a position somewhat anomalous for an episcopal body, since they kept apart from the remnant of the Scottish hierarchy, and thus were not territorially attached to any episcopal superintendence.

These clergymen brought with them a novelty, containing two elements of deep offence, in their own form of service, which was revolting to the principles which Presbyterianism had adopted for a century, and was offensive for the quarter whence it came, as a badge of English supremacy. The Scottish episcopal clergy, high church as they were politically, had not a liturgy.* It may be well to offer some explanation of an assertion

* A writer, who was evidently one of the ejected episcopal clergy, gives this account of the ceremonial of his church at the time of the Revolution:—"As to the worship, it's exactly the same both in the church and conventicle. In the church there are no ceremonies at all enjoined or practised, only some persons more reverent think fit to be uncovered, which our Presbyterians do but by halves, even in the time of prayer. We have no liturgy nor form of prayer,—no, not in the cathedrals. The only difference on this point is, our clergy are not so bold or over-fulsome in their extemporary expressions as the others are, nor use so many vain repetitions, and we generally conclude one of our prayers with that which our Saviour taught and commanded, which the other party decry as superstitious and formal. 'Amen,' too, gives great offence, though neither the clerk nor people use it, only the minister sometimes shuts up his prayer with it. The sacraments are administered after the same way and manner by both,—neither so much as kneeling at the prayers, or when they receive the elements of the Lord's supper, but all sitting together at a long table, in the body of the church or chancel. In baptism, neither party use the cross, nor are any godfathers or godmothers required, the father only promising for his child. The only difference in this sacrament is, the Presbyterians make the father swear to breed up his child

indicating that the first Scottish reformers were nearer the practice of the English Church than the bishops of the days of Sharpe. The reformers of Knox's day, who were men of scholarship, and great acquaintance with the conditions in which the Reformation had made its first steps in other countries, conformed to their general practice, and established a book of service. It was framed on the order of Geneva, and differed so little in externals from the Reformed English Book of Prayer, that sometimes the one was used where the other happened to be wanting. This form is well known to book-collectors as John Knox's Liturgy. At what time it fell out of use, seems not fully ascertained. The Covenanting spirit was against fixed forms, as a symbol of authority in the church. All ministers should be equal; and each, whether in exhortation or in supplication, should use the words which were supplied to him at the moment. It is not, perhaps, anywhere authoritatively laid down, that the minister, thus unshackled by forms, spoke out of the inspired interposition of the Spirit vouchsafed to him at the moment; but there is abundant evidence of this feeling and belief throughout the writings of the Covenanting divines. The extemporary prayer, which rational Presbyterians of the present day only accept as a decent embodiment of their aspirations by one trained to the function of worship, commenced in this feeling, that the man of God spoke from immediate inspiration; and a prejudice lurking among some of the presbyterian bodies against written sermons, may be traced to a like descent.

This dislike of written forms was deepened by the re-active influence of the memorable attack on the Service-

in the faith or belief of the Covenant or Solemn League, whereas the orthodox cause the father repeat the Apostles' Creed, and promise to breed up the child in that faith which himself then possesses."—*The Case of the Present Afflicted Clergy in Scotland truly represented, by a Lover of the Church and his Country.* London, 1690.

book in the Greyfriars Church—the first pulsation of the great rebellion. It unfortunately happened that on this occasion the English Church thrust its most obsolete, or, as they were called, Popish, elements, on Scotland, in the form of a liturgy. Laud, and his adviser Wren the Bishop of Ely, belonged to that party, ever more or less conspicuous in the Church of England, which leans more to the Romish than to the Protestant character of the institution. Like a remarkable branch of that establishment at the present day, they were great excavators of the ways of the primitive church, before, as it was said, it had received its more flagrant corruptions, and kept up a constant pressure in the direction of a restoration. When the new service-book was designed for Scotland, they addressed their meddling hands to it, deeming the opportunity a good one for promoting a step in their favourite direction. They made the service-book less protestant than the English liturgy, and hence they deepened in the Scottish presbyterian breast a dislike of fixed forms of service, and indelibly associated the offensive object with English interference and domination. So deep was this feeling, that even Sharpe and his followers, though they scrupled at few things in church government, did not venture to adopt a change so obnoxious to fixed habits as the adoption of a liturgy. Hence, when the English tax-gatherers, like the Roman publicans, were said to be swarming northward, and bringing with them their idol worship, with their priests of Baal, and their genuflexions, mutterings, and theatrical changes of raiment, it is not to be wondered at that here was a new element of dissatisfaction with the Union, and that the spirit of Jenny Geddes was invoked to save the country from English domination and the Popish mass-book.*

* Wodrow says, "It would be considered what may be the design of Providence in suffering innovations and inclinations to the English ceremonies, to increase in several places in this church, now more than they were even

Many, who were not by any means rigid Presbyterians, felt this as a national grievance. With little appreciation of the ultimate principles of toleration, as justice and mercy to individuals, they looked upon the two religions set up in the two countries as a state bargain. The one country was the domain of Episcopacy—the other, of Presbyterianism; and to permit the one to have, besides its own sphere, a portion in the land set aside for the other, was an act of aggression and domination. Hence many men, who cared little for the Presbyterian Church, were loud against the toleration of the Episcopalian.*

when prelacy was established by law? I desire to be sober in putting meanings upon steps of Providence, but this may, perhaps, be one design among others. I find a woful disrespect to the ministry, and a disrelishing of Presbyterian government. I believe Episcopacy without ceremonies would be fallen in with totally by too many; and it may be that gradually designs to introduce Prelacy will be clogged with the ceremonies, that many that would not bear testimony against the idol of supremacy and naked Prelacy, as it was in the 1662, will startle at the English Popish ceremonies, and so a banner will be lift up for the truth."—*Analecta*, i., p. 218. Among other incidents, he mentions the following, occurring in a district which has ever had the good fortune to be associated with ecclesiastical contention:—March 1712. "There fell out a rabble, in the parish of Auchterarder, beyond Stirling, anent the burial of a person there with the English service. The common people, though not very Presbyterian in their principles, yet they reckoned the service Popery, and could not away with it. When the corpse came to the churchyard, the women and country people began and made a great mutiny. The Lord Rollo, a justice of the peace, interposed, but to no purpose. The Duke of Montrose's baillie, Graham of Orchel, or such like name, was there, and writes it was not Presbyterians, but the whole of the common people there, and they chased off the liturgy man, and they behoved to bury in their wonted manner."—*Analecta*, ii. 30. Of the practices further northward, he says,—"I have very lamentable accounts, by letters from some of our brethren in Angus, of the sad state of things there. The meeting-houses are increasing, and they bury their dead with the liturgy, and the clergy in their habits; and the nobility and gentry are very fond of these new fashions, and though application be made to the court, yet no redress is like to be got." "Our great folks observe now the English funeral rites in burying their dead relations. Lately the Lord Glammis, son to the Earl of Strathmore, had these rites punctually observed and performed by, I may say, all the prelatic clergy in Angus, who, being invited to his funeral—but not a presbyterian minister—did attend in their canonic gowns; and the greatest part of our gentry admired and commended that way."—*Correspondence*, i. 77, 79.

* It is curious to see Defoe, who suffered enough from English intolerance,

For a few years after the threatened invasion, this was the main source of party debate in Scotland.

Among the clergymen who adopted the English liturgy was one named Greenshields, who did duty to a small congregation in Edinburgh. He had received his orders, after the Revolution, from one of the "exauctorate bishops," as they were termed; but he had served in Ireland, and came with his letters of credentials from the Archbishop of Dublin. He qualified by taking the oath, and thus did not come within the penal laws. The first measures taken against him were brought before the Dean of Guild, the head of the edile police, who found that the clergyman was illegally perverting a private house for the purposes of a place of public assembly. When this difficulty was overcome, and the new congregation, changing its meeting-house, increased in numbers, the Presbytery took up the matter; and finding that Greenshields invaded their privileges, "discharged him," as it was termed, from the performance of clerical functions. But the ecclesiastical court not having the means of putting its sentence in force, applied to the magistrates of Edinburgh to render it effective; and they, after having endeavoured to procure compliance from

in his zeal for the Union, as a contract, loudly declaiming against the toleration of Episcopacy in Scotland, which he fervently prays and believes cannot be carried, if the Scots be true to themselves, and the English just. "The question," he says, "is not of civility to the Church of England, or of prudentials to the dissenters in England, but of right and justice to the Church of Scotland. We are here in a right of property, capitulated for by the Union, stipulated for and agreed to by the Church of England, that no alteration shall be made—that the purity and uniformity shall be preserved. Either it is preserved, or it is not. If the Common Prayer be imposed on them—if Episcopacy be tolerated, their worship and government is altered, or it is not. If it be, then the Union is invaded, or it is not. The questions are short, and need no caviling. Though speaking of the Church of England, and of the dissenters in England, the Scots may be civil to the one, and careful of the other; yet they must not give up their established rights on that score—this were to compliment them at too great an expense."—*Hist. of the Union*, 29.

the culprit, committed him to prison for obdurate adherence to his ministerial function.

The decision of the magistrates was referred to the Court of Session, who twice confirmed it. Thus, so far as the institutions of Scotland were alone concerned, it was clear that episcopal clergymen were not to be permitted to officiate, according to the English form, in Scotland. The signs of the times, however, seemed favourable to the episcopal party, and they resolved to seek the protection of the House of Lords by an appeal. In the result of this attempt, there was but an addition to the unhappy series of incidents, rapidly following each other, which made Scotsmen fear that their institutions were to be trampled on, and their country made a mere dependency of England, instead of a province of the united kingdom of Britain. An appellate jurisdiction was not ostensibly alluded to in the negotiations or the known debates about the Union. It seems to have been kept intentionally unmentioned by the promoters of the measure, and to have escaped the busy notice of the other party. The question now came to be—Whether, as a natural result of the Union, an appeal lay from the Court of Session to the House of Lords? Until a comparatively recent time, there had been no appeals to the Scottish Parliament. The chief assembly of the vassals of the crown was, it is true, in Scotland as in other countries, the supreme court of reference from the other tribunals. But, from an early period, the Estates remitted such work to committees of their number, who came to be like permanent courts of justice. These committees superseding the Parliament, there was, of course, no appeal from them to the House. When the present Court of Session was created in 1532, it was a kind of reconstruction of these committees, and succeeded to their functions. Being thus, as it were, the substitute for the Parliament as a supreme court of appeal, it did not seem compatible

to take appeals from the Court of Session to the Parliament. Among the other evil things, however, of the reign of Charles II., the corruption and dishonesty of the judges became as conspicuous as their cruelty. A stand was made for an appeal to Parliament as the only means of refuge from their fraud and rapacity; and after a tough struggle, it was carried. At the Revolution, the Convention Parliament stipulated, in their Declaration of Right, that "it is the right and privilege of the subjects to protest for remeid of law to the King and Parliament against sentence pronounced by the Lords of Session." But it could hardly be said that this made Parliament a regular court of law; it merely left it as a remedy of last resort for the protection of the aggrieved subject, if he found that the judges appointed by the monarch were determined to do injustice. The protest for remeid of law was not a mere reference to a higher court, in the hope that it would take a different view of the law from that entertained by the court below; but was rather a denunciation of corruption or injustice, which involved not merely the bench, but the government that supported it, and was less a system to be in daily practice, than an extreme measure of relief to the oppressed subject where other means of justice failed.

In Scotland, the protest for remeid of law was to the whole Estates as they sat together. In England, the House of Lords had, by long constitutional custom, become the judicial branch of Parliament. Looking back to the influence which this tribunal has exercised over the administration of justice in Scotland, it seems strange that no provision was made about it in the Union Settlement. But, whether for the reasons alluded to, or others that might be guessed at, the matter seems to have been left to the development of events.

Whatever far-seeing statesmen might have anticipated, appeals to the House of Lords took the people of Scot-

land by surprise. It was a matter of no small alarm to find that the battle between Presbyterianism and Episcopacy—as the case of Mr Greenshields came to be deemed—was to be decided by the body in which the English prelates sat. The case lingered for some time in the court of appeal, but in March 1711 a judgment was pronounced in favour of Greenshields.*

It was at the same time, and in connection with this event, that Parliament passed the Toleration Act, which may be better considered along with the other important measures relating to Scotland, by which it was accompanied. They have been ever associated with that memorable Tory ministry of Queen Anne's latter days, which would, it was believed, have restored the British crown to the Stewart dynasty, had they not been zealously watched from without, and divided among themselves. It would be impertinent here to relate, except in the most general way, and for the purpose of recalling its connection with Scottish events, the fall of the Whigs, and the ascendancy of the cabinet indissolubly connected with the names of Harley and St John. This change—which stopped the victorious career of Marlborough, when he had trodden on French soil,—which lost to Britain the natural advantage of a series of victories, costly in life and money, revolutionised the monarchy of Spain, unsettled the destinies of half Europe, and threatened to undo the Revolution Settlement in Britain—took place because the Queen, tired of the imperious Duchess of Marlborough, had found a more congenial adviser in her waiting-woman, Abigail Hill. It has been said that the war was a bad one;

* It was by a regular vote of the House,—the practice by which some lord, bred as a professional lawyer, took the responsibility of the judgment, not having become systematic until long afterwards. It may be questioned if the proceeding would have been more popular in Scotland, had it been understood that virtually an English lawyer gave judgment instead of the lords spiritual and temporal collectively.

but whether it were a righteous or an unjustifiable war, there can be no doubt, that leaving the decision whether it should cease or not with the attendants of the palace, was an event miserable and scandalous to Britain. It was, however, the last scandal of the kind which our annals have preserved; and, ugly as it appears on them, it was public virtue itself, when compared to the influences which, half a century afterwards, ruled the councils of France, and, through them, affected the destinies of Europe.

It was after this change that the Church of Scotland was humiliated by seeing the triumph of her prelatic enemies. But she had good reason also to dread inroads on her own privileges, if not attempts on her existence. She had just found the Whig ministry sadly lukewarm in acceding to her demands, on a matter which she deemed of vital importance. It was the practice of the General Assembly to ordain days of fasting and humiliation as occasion suggested them. While the Scottish Privy Council existed, there was a civil authority close at hand, to concur with the ecclesiastical, and enforce the observance of the fast. This, with the other functions of the Council, being transferred to Whitehall, the Assembly not only could not get a sudden fast sanctioned by the civil power, but might possibly only wait for the return of an application at London, to have it refused or neglected, and so become the laughing-stock of the people. The Assembly, therefore, applied to the government to appoint official persons in Edinburgh, with power to impart the civil authority to appointments of fast-days by the church courts. This application was not positively refused, but it was neglected. When the General Assembly made their next application to the government to interpose their authority, it was in the middle of the Sacheverell excitement; and the reasons for fasting and humiliation in Scotland, though vague, seemed to have some refer-

ence to public events.* The ministry, suffering from the church excitement close at hand, had no inclination for encouraging another in the north; and, though giving their sanction to the fast on this one occasion, they censured its promoters, and stated that they would not engage to repeat the sanction.† This was a palpable departure from the deference afforded, from the Revolution downwards, to the reasonable desires of the Scottish clergy. But while they were ruminating on this change of tone, and expanding into wrath towards the Whigs, they suddenly found that a Tory government was driving them to fight for their existence.‡

In the winter of 1711, the Church of Scotland sent a

* The avowed cause was—"The many evidences of God's displeasure, and fearful symptoms of approaching judgments, the great and crying sins of the land, atheism, irreligion, popery, many errors and dreadful delusions, with immoralities of all kinds."—*Acts of Assembly*, 1710.

† Carstairs' Papers, p. 786.

‡ There was virtually no change in the Scottish part of the government. The Earl of Mar remained Secretary of State; and his conduct in 1715 showed that this, at all events, could be no abandonment of principle, however many he may have perpetrated at other times. Sir David Dalrymple remained Lord-Advocate. The only conspicuous official change during the year, appears to have been in Lord Annandale succeeding Lord Glasgow as Commissioner to the General Assembly. The change of officers on a change of policy, was not considered an absolute etiquette in all the departments where it is held so at present. The English Attorney-General, Montagu, was displaced by Harcourt, but the Solicitor-General, Raymond, who had been appointed early in the year, remained. The Scottish Secretary of State, however, had he not been a person of Mar's accommodating conscience, ought to have resigned. Wodrow and others mention rumours about the dismissal of inferior officers, which seem not to have been fulfilled. The failure of the Harley and St John ministry, however, in providing for their adherents by turning out subordinate officers, was sharply noticed by disappointed friends of the cause, and was the origin of the March Club being started against the October Club. Perhaps the real reason of the continuance of the previous holders of subordinate offices, was, that no successors could be found materially differing from the Revolution Whigs, who were not palpable Jacobites, likely to plunge the government into immediate difficulties. It often happens, that the nicer shades of distinction in politics, which separate men at the heads of governments, do not go far down. The Earl of Mar, who led the rebellion of 1715, was thus probably retained in office, to avoid the danger of superseding him by a Jacobite.

deputation to London to represent to the government their grievances about the fasts, and other petty difficulties encountered by them, from the scanty remnant of nonjurors in the north. At the head of the deputation was the venerable Carstairs,—shorn, indeed, of the high political influence exercised by him in King William's reign, but still of great weight and mark as the man who had communicated its existing form and tone to the ecclesiastical establishment, and continued to rule its policy. He was accompanied by two other clergymen, Blackwell and Baillie.*

* Blackwell was a professor in Aberdeen, but he must not be confounded with the later Thomas Blackwell, the ambitious author of the "Court of Augustus," and the "Inquiry into the Homeric Writings," who was probably his son. A series of letters from Blackwell to the Provost of Aberdeen, written during his mission, are interesting and important among the scanty documents relating to the conduct and views of the Tory ministry on Scottish ecclesiastical matters. They are printed in the first volume of the Miscellany of the Spalding Club, p. 197, *et seq.* The opportune presence of the deputation at the time when so severe an attack was made on his establishment, prompts him to say,—"Sometimes, when I reflect on the present juncture, I have thoughtful hours about my being here at such a time. Again, at other times, considering how many mischievous designs were intended at this time against the peace and quiet of the Church of Scotland, I cannot but adore Providence in ordering some few in this place towards informing and reasoning, in order to the prevention of some fatal lengths, which matters, in all probability, would have been carried to, if there had been no opposition at all." The account gives an unintentional, but lively, view of the anomalous and startling aspect which the ways of the English metropolis then bore, even to men of education and good social position, brought up in the simplicity of the far north. "The nature of our business hath been such as necessarily obliged us to great expenses; for having had, upon the matter, entirely to do with noblemen, I have been obliged to spend sums upon their porters and gentlemen that would make one ashamed to write it; neither is there any doing of business without such things be punctually minded. The expense also of coaches, without which no man can go to great people, comes to a sum which would astonish a stranger, so that I have been in two hours' time ten shillings, and perhaps hath only found two noblemen and their porters.

"As also, all the time of our attendance on the Parliament, over and above our expenses per week for our quarters at home, we were obliged to diet at some tavern near to the House, where each of us paid as much for one dinner, considering the parliament officers we behoved at times to have with us, as would have bought six at home. And as to our lawyers and prints,

While perplexing themselves with the import of Treasurer Harley's hazy and oracular responses to their complaints, they were thoroughly awakened by a movement as distinct as it was alarming, in the introduction of the act for the toleration of the Episcopal clergy. Against accomplishing this end, had it not been accompanied by other features, the deputation could have expected little sympathy in their murmurs. Carstairs, indeed, was favourable to the abstract toleration. It was naturally suggested by the recent proceedings in Greenshields' case, and by other incidents of a more offensive character. In the east of Scotland, the attacks on Episcopacy were decorous and judicial; but in the west, where a higher tone of Presbyterian fervour prevailed, there had been mobs, and violent outrages on places where the performance of Episcopal rites was known or suspected. The bill of 1712 seemed, however, haughtily to treat both the attacks of the rabble, and the proceedings of the magistrates, as offensive interruptions of the performance of the services of the Church of England, and enjoined all magistrates and judges to protect those of the Episcopal communion so engaged in their meeting-houses. It was provided, that none should presume to officiate in protected Episcopal meeting-houses, but those who were admitted to orders by Protestant bishops; but it was not said that they must be bishops of the Church of England. It was evidently intended, that whether they were connected with the deposed Episcopal establishment, or the Church of England, the Episcopal clergy

and fees to the servants of the House of Lords, if I should write it, you would, I am confident, bid me haste me home."—p. 215.

He becomes at last thoroughly home-sick, exclaiming, "If once I had gotten the last accounts from the Assembly, if there be a coachman in England who is a good whip for stage journey, I intend to have him, for then I shall be free of the cassey stones of London, and shall bring down the bones and relicts of an old friend to see if the Fairyhill air, and the tutory of the little wife in The Green, will give any reviving."—p. 220.

should be protected in the performance of their novel and offensive ceremonies.

To the ecclesiastical body which considers that it is carrying on a long protracted struggle with a deadly enemy, the power which extends toleration to the vanquished, appears to be only arming him for aggression—it is as when, in a personal struggle of life and death, the man thrown down gains his knee, and is making a purchase against his antagonist—it can only be for the purpose of making farther progress and fatally ending the struggle. So the zealous part of the Presbyterian body viewed this grace extended to the Prelatists. The desolation coming upon Zion, through this wicked toleration, was the object of much and very sincere lamentation. A portion, at least, of those who indulged in an outcry that seems as uncouth and illogical as it was uncharitable, may be excused. It will not be wondered at, that those whose limbs bore the scars of torture, or who remembered dreary wanderings in "the killing days," or whose parents had been executed among "the witnesses to the truth," had obscure and oblique notions of the nature of toleration when they heard it used in connection with their old enemies.

But even for the later generation, who might have grown up in a more favourable condition for appreciating the true principles of toleration, there was something pointedly hostile in this act. An established church never likes to be classified with another, which has a mere tolerated existence; yet by the same clause in this act, regulations were imposed on the Established Church and the Episcopalians.* But there were other sources of offence more serious and fundamental. The fatality which

* The form in which the two were conjoined was, "That all ministers of the Established Church of Scotland, and all and every person and persons who is or are pastor or pastors, minister or ministers, of any Episcopal congregation in Scotland, shall be obliged," etc.

had brought the British legislature into so many damaging contests with men of high and sincere principle, again blinded them to make the oaths, previously so offensive, much more so. Again statesmen had to anathematise that pertinacity which made clergymen spurn a reasonable requisition from authority, as if on such matters men would ever consent to be reasonable, according to the rationality imposed on them by haughty power. But, while learning the extent of clerical sensitiveness and obstinacy, they failed to learn the lesson which statesmen have only lately acquired, that test-oaths are effective only for mischief—that they are spurned by the honest men who do not require them, and are accepted by the knaves who do not keep them. There is no lesson that the history of this country so much teaches the legislator, as that of letting alone when interference is against, instead of being with, the inclinations of the people. When men are honest and sincere, the artificial application of oaths cannot make them better; when they are false and treacherous, the oath only conceals the danger.

The previous enactments, whether from policy or carelessness, had not drawn the machinery of enforcement tightly round the clergy, and were evaded, at least by the Presbyterians, with impunity. They were required, in general terms, to take the oaths, and they were liable to penalties, and other unpleasant consequences, if they failed to do so. The application of these consequences, however, depended on the government, which might calculate from the way in which the regulation was received, how far it would be well to insist on obedience.*

* In the act of King William's Parliament, adding to the oath of allegiance the oath of assurance—the progenitor of the abjuration oath—among the persons who are to take it are, "all preachers and ministers of the gospel whatsoever." In another part of the act it is provided that, on failure to take the oaths, "ministers provided to kirks shall be deprived of their benefices or stipends, and preachers not provided to kirks shall be punished by banishment or otherwise, as the council shall think fit."—1693, ch. 6.

It is always possible, however, to make such obligations self-enforcing. This may be done by giving opportunities of prosecution to adversaries, or common informers who are tempted by a reward out of the penalty; and it may be done by rendering the oath a test preliminary to induction to office, or to the right of exercising its functions or enjoying its benefits. In the new measure, a specific date was fixed, before which the oath must be taken by all who at the time held benefices. The time so fixed was the 1st of August, and all those afterwards becoming established clergymen, were to take the test before admission. In arranging the machinery for exacting it, a brief and abrupt method was taken, by no means complimentary to the clergy. They were to take the oath "in such manner and under such penalties" as officers civil and military were appointed to take it under the previous act. They knew that the machinery for exacting compliance from the civil and military functionaries was stringent and effective, and that in being brought under it, they were not subjected to a mere nominal and evadeable formality. This stringent severity was coupled with the humiliating arrangement, that they, the established and dominant clergy, were placed, in these domineering injunctions of the state, side by side with the deposed Episcopacy, in the very same clauses, and even the same sentences. It was a farther ingredient of bitterness, that, instead of the old oath of security, established by the Scottish Estates, there was substituted an oath of abjuration framed by the English Parliament, and referred to as to be found in an English act, by a phraseology not understood either by Scottish ecclesiastics or lawyers.* But farther still, as we shall see more distinctly in connection with the exertions of the Scottish church-

* Though the oath of abjuration is mentioned in all old histories, as something which every one who reads them must be supposed to be familiar with, it is now little known except to readers of acts of Parliament. It was a sort

men, when these reverend gentlemen excavated the English act, to which they were thus tortuously directed, they found that it made them—a Presbyterian clergy—lay down membership of the Church of England as an absolute condition in the successor to the throne!

Besides those who, either from a general objection to secular established tests as a criterion of the ecclesiastical function, or from dislike to the peculiar terms of the oath now set before them, looked to the prospect of becoming nonjurors and standing by the results, there were others who, perhaps, might not have objected to the oath, but who would with scorn, and without hesitation, deny the state's right, to prescribe how they were to exercise the ministerial function, and dictate the terms in which they were to frame their devotions. Yet this was done by the Act of Toleration. It provided that every established minister, as well as every episcopal clergyman protected by the act, should at some time during the exercise of Divine service, pray "in express words for her most sacred Majesty Queen Anne, and the most excellent Princess Sophia." In its application to the Episcopal clergy, this was a test of loyalty to the Hanover succession; but to the Presbyterians it was a gratuitous wound in one of the most sensitive parts of their system. It is difficult to understand how Parliament could have thus recklessly hit right and left; and as it was a period of capricious action, when legislators tried to trip each other up, and there was little ministerial responsible attention

of check on the oath of allegiance, abjuring the Stewart dynasty, as a test of the sincerity with which that oath attached the juror to the Revolution Settlement. Along with engagements to discover treasons and plots, and defend the settlement, its chief clause was, "I do solemnly and sincerely declare, that I do believe in my conscience the person pretended to be Prince of Wales, during the life of the late King James, and since his decease pretending to be, and taking upon himself the style and title of King of England, by the name of James III., or of Scotland by the name of James VIII., or the style and title of King of Great Britain, hath not any right or title whatsoever to the crown of this realm," etc. The word "pretended" had a wide

devoted to parliamentary business, it may be conjectured, that the obligations against the two churches were inserted in mutual spite. A probable cause of them is, that the Whigs insisted on the clauses as they affected the Episcopal church, for the purpose of compelling Harley's ministry, with all its Jacobite tendencies, to subject its most entirely Jacobite friends in Scotland to a strict Hanoverian test; and that, on the other hand, the Tories took revenge by requiring that the test should extend to the Presbyterians, to whom, in debate, it was presumed to be no less applicable and necessary than to their neighbours.

The Scottish Establishment was of course visited with immediate alarm, by the rumour of this measure. The deputation in London approached the throne with a humble representation and petition, sent from the Commission of the Assembly. In reference to the clauses tolerating Episcopacy, they called up the Act of Security, which, as a fundamental part of the Treaty of Union, confirmed their own system "as the only government of Christ's church within this kingdom,"—and doubtless the object for which the Act of Security was proposed by the Scottish Church, justified their interpretation, however statesmen may have accepted of it. They maintained that the ecclesiastical and religious organisation of the country belonged to them; that schism was an offence of which they were the judges; and that they were entitled to enforce conformity to their own standards.

meaning. To the constitutionalists, it might indicate the national expulsion of the Stewart dynasty; but it had been first used in reference to the warming-pan story, to indicate that the birth of an heir to the crown was an imposition—that it was "pretended." When the oath of abjuration was first enacted by William's Parliament of 1701, it is odd enough, when *pretence* is spoken of, that the reason assigned for its enactment by Parliament, in addressing the King, is, that "the French King had caused the pretended Prince of Wales to be proclaimed *in your Majesty's said kingdom of France*, by the name, style, and title of James III., King of England, Scotland, and Ireland."—13 William III., c. 6.

In this view, it even excited their wrath to find in the bill a clause protecting their ecclesiastical jurisdiction over their own communion, as if they did not enjoy it over the whole country.*

This outcry was caused by the clauses of toleration, and before the clergy felt the direct blows aimed at themselves. The discovery of the new qualifying oaths called forth a separate protest, founded on a minute inquiry into their history and character, and a logical examination of their nature. This document professed entire loyalty to the Hanover succession, and was, in fact, a sort of collective adoption of the terms and spirit of the abjuration oath, while it declared that many of the brethren had scruples about embodying these their opinions in a personal oath. But it set forth the much stronger ground, that this was a breach of that condition of the Union which protected every subject of Scotland from any oath or test inconsistent with the Presbyterian Church Establishment.† This plea was likely to go much farther in England than any general antipathy to oaths, which might be sneered at as fanaticism. When required to state their case, the clergy made it out thus. The abjuration oath bound the juror to support the Protestant heirs to the crown. But the line of heirs was referred to as indicated by the English Act of Settlement; and when that act was examined, it was found that one of the conditions of the succession, as there laid down, was, that the monarch be a member of

* It is among the complaints of the Commission of Assembly:—"And that the presbyterian clergy are still allowed to inflict ecclesiastical censures upon those of their own communion, which plainly imports an exemption of those who shall disown their communion," etc. They continue, "We cannot but in the first place express our astonishing surprise and deep affliction, to hear of such a bill offered for such a large and almost boundless toleration, not only threatening the overthrow of this church, but giving a large license almost to all errors and blasphemies, and throwing up all good discipline, to the dishonour of God, and the scandal and ruin of the true Christian religion."—*Acts of Assembly*, 1712.

† See above, vol. i., p. 467.

the Church of England. An oath making this the qualification for the throne, was maintained, and with justice, to be such a test, inconsistent with the Presbyterian Church Establishment, as the subjects of Scotland were protected from by the conditions of the Union.* This incident in the form of the oath, probably overlooked by the framers of the act, had much influence in strengthening the Presbyterian nonjuring party in Scotland, who gave it the name of the "logical lie." Carstairs, to whose acuteness the discovery of the anomaly may be attributed, made an attempt, which a person of more violent opinions would not have made, by a little diplomatic movement, to extract from the oath the offensive connection with the English Church, without injuring its efficacy. The Abjuration Oath was made to refer to the succession, "as the same is and stands settled by an act," etc., referring to the Act of Limitation. It was proposed that this should be changed, and that the form of reference should be to the succession *which* is and stands settled. Thus, it was said that the juror who would not swear allegiance to the heir *as* settled by conditions which required that he must belong to the Church of England, would yet have no objection to swear fealty to that line of succession which the act pointed out. This alteration was made on the bill as it stood in the House of Lords; but it appears to have been looked on as an engrosser's blunder, or some other result of carelessness, and the previous phraseology was restored as a matter of routine, without any explanation.†

* A clergyman, who afterwards exerted himself against the oath, said—"I can take the abjuration as it now stands, if I were in England; and I hope the executors of the law will not be so rigid as not to allow me to go to Berwick and take it."—*Diary of the Rev. William Mitchell*, p. 237.

† See Lockhart, i., 385; Tindal, i., 244. Wodrow and others were convinced that "the amending the little great word *as* into *which*," was an important condition urged by the October Club. The Toleration Act was ordered, by the Commons, to be brought in on the 21st of January. It passed

It seemed to the members of the Scottish Establishment, that these proceedings foreboded a revolution in the relative position of the two churches. Their forebodings seemed to be but too closely confirmed, when they heard that a measure was brought in for the restoration of patronage. This memorable measure, memorable at least in Scotland, where it has been ever associated with disunion and disruption in the Established Church, passed through the Commons rapidly.* The deputation from the church, who were then in London, had been authorised "to take all proper and legal methods for preserving the rights and privileges" of their church. When they saw the Patronage Act pass the Commons, on the 7th of April, they presented a petition against it to the House of Lords. It appealed naturally to the Treaty of Union, which, passed after the act abolishing or modifying patronage, included its provisions among the privileges of the Church of Scotland which the treaty preserved. The document contained an historical sketch of the state of the question, simple, brief, and reasonable. It is remarkable, among the Scottish ecclesiastical documents of the day, for being clear of those lumbering scriptural technicalities which are sometimes called cant by those who dislike them, and it seems to have been in every way well adapted to secure respect from the fastidious and not very friendly audience to which it was addressed. Yet, this document had a fatal defect, which called up mortifying and irritating discussions. It was directed "To the most honourable the Peers of Great Britain." The omission of the lords spiritual could not, of course, escape notice, and no

their House on the 7th of February; was carried, with the Lords' amendments, on the 26th; and received the royal assent on the 3d of March. The Patronage Act was ordered to be brought in on the 13th of March, passed the Commons on the 7th of April, and received the royal assent on the 22d of May.—*Journals of the Lords and Commons.*

* See note above.

doubt it was intentional, for the representatives of the Church of Scotland would not have readily compromised her principles by appealing to the legislative power of the prelates. Perhaps, however, it had been better to do so, and seem lightly to conform with an etiquette, than find it necessary, as they afterwards did, solemnly to yield a debated point. The petition could not be received unless its title were changed. There was, if they persisted, the heavy responsibility before them of permitting so vital a measure to be carried without a remonstrance, while they had reason to believe that even some of the bishops, whom they might be needlessly offending, were on their side, and so they yielded and changed the address of the petition, drawing forth many groans from those who, amid the wreck and ruin around, saw their own chosen champions deserting them.*

This memorable statute, so rapidly and so easily passed, was called "An Act to restore the Patrons to their ancient rights of presenting Ministers to the Churches vacant in that part of Great Britain called Scotland."† It referred to the measure generally called the Act for abolishing Patronage, which immediately followed the Revolution,‡ and revoked the transfer of the privilege to the heritors and kirk-session, restoring it to the original patrons. The curious dubiety and internal inconsistency of that measure will be remembered. It professedly abolished presentation to benefices, substituting another system in its place; and then it appointed a method of compensation to the patrons for the privilege so removed.

* See the Petition and Proceedings, Parl. Hist., vi., pp. 1127–30. There was then a low church majority in the Episcopal bench, and five bishops voted against the Patronage Act. It was observed at the time, that the bishops cared less about the recognition of their order, than some temporal lords about a precedent that might bring the bishops under the denomination of peers.

† 10th Anne, c. 12.

‡ See chap. v.

From the few casual notices to be found about the working of the abolition measure, it would appear that its inconsistent provisions came out in practice, and that the one party counted patronage abolished, and the compensation a tax which was not easily recovered; while the patrons themselves maintained that the pecuniary compensation of six hundred merks was the price allowed them for their privilege, and they were not bound to give it up without receiving payment. This double understanding is shown in the preamble of the Act of Restoration.* It distinguished the instances where the parliamentary price of the patronage had been paid, from those where it had not, and excluded any claim for restoration to those patrons who had received the compensation and had granted in return a renunciation of their rights. This arrangement, like every thing else about this unhappy nucleus of ecclesiastical debate, afforded weapons for the combatants on both sides. On the one, it was maintained that the extremely few instances in which the compensation had been paid, showed that the act of William was not zealously adopted, while by the act of Anne, the parishes which had fairly bought the right from the patrons, were allowed to keep it. On the other side, it was maintained that the act of William was intended to abolish, and did abolish, patronage, and that the provision for compensation was a separate boon to the patrons, which they were free to realise, as the act gave them power.

* "Whereas that way of calling ministers has proved inconvenient, and has not only occasioned great heats and divisions among those who, by the aforesaid act, were entitled and authorised to call ministers, but likewise has been a great hardship upon the patrons whose predecessors had founded and endowed those churches, and who have not received payment or satisfaction for their right of patronage from the foresaid heritors or liferenters of the respective parishes, nor have granted renunciations of their said rights on that account."

The patronage act was calculated, by its phraseology as well as its contents, to be very offensive to zealous Presbyterians. After the clause appointing patrons to present, it is provided that "the Presbytery of the respective bounds shall be, and is hereby, obliged to receive and admit, in the same manner, such qualified person or persons, minister or ministers, as shall be presented by the respective patrons, as the persons or ministers presented before the making of this act ought to be admitted." Although this clause, when its intended sense is extracted, means nothing more than that the ecclesiastical courts are to use their ecclesiastical functions as they used to do—are to see that the person presented is qualified according to ecclesiastical rule, and to proceed in their ordinary manner to his collation; yet its dictatorial tone was offensive. It rather stated what should be done, than left the church to perform its own functions in its own way. And it decidedly did not address the church courts with that courtesy which, looking on themselves as a co-ordinate legislature for matters spiritual, they considered themselves entitled to expect from their brethren of the temporal legislature.

Such were among the immediate and perceptible causes of complaint against this measure. The more serious disputes, however, with which it afterwards became associated, arose out of subsequent internal developments in the spirit of the Scottish Church. In their proper place these will have to be considered; and it is only necessary to state, in the meantime, that they were not anticipated at the passing of this act, and that they are rather incidentally and nominally associated with it, than directly attributed to it as historical effects of a sufficient cause. When a portion of the Scottish Church afterwards made war on patronage, they naturally attributed all the evils they complained of to an act which they found on

the statute-book restoring patronages; but their cause of complaint might, and probably would, have subsisted as an internal element, had that act not passed.

In the vexed question of lay or congregational intervention in the settlement of a clergyman, there were two entirely distinct elements—lay imposition, by a patron presenting; and lay acceptance, by the congregation receiving. Now, in the act of William, we have seen that the right of patronage only virtually changed hands, from the patron to the heritors of the parish. Sometimes there was no change at all; the parish was in the hands of one heritor or landlord, who was the patron. In other instances, it sometimes happened that the patron was a better friend of the Church than the heritors; and where all were inimical—a frequent condition—it was easier to fight one patron than a group of heritors. It is true that the elders were admitted by the repealed statute to act with the heritors; but this does not seem to have been an effective security. It is found that, in some instances of keen dispute between the elders in kirk-sessions and the heritors, or when both were divided, fictitious votes were created on either side, by multiplying the elders, and by dividing the landed property into several nominal qualifications; but this form of conflict had but begun, and its ultimate tendency was scarcely to be estimated when the act of Anne extinguished it.*

* Wodrow, whose complaints of the inefficacy of the act of 1691 are frequent, gives such instances as the following:—"This month [March 1710], the debate in the parish of Cramond, anent the heritors' power in calling, between the Lord Minto, by the Earl of Selkridge, and Ormiston, Justice-Clerk, makes a great noise. Each side created new heritors, for to increase their party, by seising [giving seisin], etc., some few days before the drawing the call; and several advocates pleaded before the presbytery, who remitted this matter to the synod. We are like to be in very bad circumstances from the power of heritors in calling; and the same way of choosing ministers is like to come in that way used in choosing members of Parliament."—*Analecta*, i. 260.

But what seems chiefly to have been overlooked in this measure, is that it left untouched the real popular element, whether of call or veto. Whatever privilege of this kind, by the law of the church, the congregation possessed by the act of 1691, was left uninjured by the act of 1711. The discrepancies in religious opinion, which we have already seen, sometimes made this popular element very inconvenient to the church. Diversified indeed as were the feelings of the country, from lingering Episcopalianism in the north, to Cameronianism in the south, the best friends of popular influence in the church mourned over the practical contradiction which it often offered to the triumph of their ecclesiastical principles. Thus, in Wodrow's gossiping narratives, we find him in the same page perplexed by an Episcopalian rabbling in Aberdeenshire, and a Cameronian rabbling in Galloway. We shall see that it was rather from the policy adopted by the church in this difficulty, than from the act of 1712, that those disputes about patronage, which disturbed and broke up the church, arose.*

This connects itself with the unquestionable fact, that the patronage act, whatever hostility it planted to grow up afterwards, was not received with great enmity by the church in general. Their protest against it was feeble, and came with many of them to be the *fieri non debuit—factum valet.* The abjuration oath, in fact, created a far more momentous difficulty.

From these considerations, we may be prepared for the manner in which the Scottish clergy, in their next Gen-

* In the records of the privy council, of 21st February 1705, a report, distributed under ninety heads, is found, setting forth grievances of the church, from the intrusion of Episcopalians and the rabbling of Presbyterians in the north, in defiance of the ecclesiastical and civil courts. At the same meeting of council, letters of denunciation were granted against Mr MacMillan and his friends, for Cameronian intrusion in the parish of Balmaghie, in defiance of the church courts.

eral Assembly, received the measures which had been passed. Even the official letter which the sovereign annually lays before the Assembly, showed, through its cold formal reserve, some feelings of misgiving, as if the boundaries of freedom had been exceeded. This document, bearing the signature of Lord Dartmouth, says, "Lest any late occurrence should have possessed any of you with fears and jealousies, we take this solemn occasion to assure you it is our firm purpose to maintain the Church of Scotland as established by law; and whatever ease is given to those who differ from you in points that are not essential, we will, however, employ our utmost care to protect you from all insults, and redress your just complaints." It was clear that the Assembly was now a very different body from that which, twenty years earlier, had offered dangerous defiance to King William. Many entertained views decidedly moderate—some would have stood out for their old cause, were there any prospect of success, but the dispiriting circumstances by which they were surrounded, quenched the spirit of the meekly zealous, while the violent were not sufficiently numerous effectively to act. It was decided that nothing should be done collectively, prompting resistance to the law, or even so far denouncing the acts of the legislature, as to justify or provoke the interference of the Commissioner. In their answer to the royal letter, they said that the matters referred to did indeed possess them with fears and jealousies, but that, embracing her Majesty's assurance of protection and countenance, they called to her mind the representations made by their Commission, humbly hoping that their complaints "may come in due time and manner to be redressed."*

* "The great difficulty seemed to be how to get a testimony given against the toleration and patronages, and yet in such a way as not to fly in the face of a standing law, which the Commissioner could scarce sit and hear impugned without raising us. The medium fallen upon for this was to approve

But the enactment of the oath still presented a serious difficulty; for this was not a mere act of offence carried through against their wishes where they had no control, but was a measure in which they were called on individually, if not collectively, to participate, by qualifying themselves according to the act, before a given time, postponed from the 1st of August to the 1st of November 1712, to suit the arrangements for the sessions of the peace. It was not for the Assembly to echo the act of Parliament, by enjoining the oath, and yet the majority were decidedly against a conflict with the legislature. Hence it was not a matter on which it was likely that the Assembly would pass any act, either commanding or forbidding the oath to be taken. But the members of an ecclesiastical assembly met together, could not avoid the opportunity of relieving their bosoms to each other on so momentous a question; and a general solemn conference was held, consisting not merely of members of the Assembly, but of all the clergy and licentiates who found it convenient to attend. Wodrow, who has preserved with much devotion the proceedings of less important meetings, has fortunately left us an account of this conference, at which he says, "there were the greatest number of ministers ever met in Scotland, for what I know."*

What seems to have created general alarm and mis-

what was done in the Commission in the strongest terms, and make it an act and deed of the Assembly, and engross the Commissioner's representations, which were certainly in as strong terms as could possibly be found. These being deeds done before the evils were framed into laws, the Commissioner, it seems, found it safe enough for him to sit and hear them approven; and the approbation of them seemed to be a far larger testimony than could have been given by any separate act of the Assembly itself. It was thought by some that a larger testimony might have been given anent patronages, these not yet being passed into a law; but the address anent them was all that could be got done; and there is a reference made to what the Commission were to do farther."—*Wodrow's Analecta*, ii., p. 39.

* Analecta, ii., p. 39.

giving in the veterans of the church, was a strong majority among their junior brethren in favour of the oath. Throughout the meeting, Wodrow, as an auditor, says, "a considerable part, and if I mistake not a half, if not three parts, seemed clear anent the taking of it." The technical expression for those who were decidedly in favour of the oath was, that they "had got clearness." Those who wavered were waiting for this clearness, and not without hope of obtaining it.* The old remnant of the true Covenanting party held out no such prospect. With them compliance was unlawful and sinful, admitting of no compromise or hesitation; "and so the call being never so plain, and the penalties never so great, they could not go in to it." It did not follow, that though there might be a majority in that miscellaneous assemblage, attended by probationers and others who had no seats in church courts, in favour of qualifying, that this view predominated in the constituted tribunals of the church; certainly it did not predominate in all the provincial synods. And here lay the great danger of a territorial difference of opinion to which a republican church constitution is ever liable. In the north, conformity would greatly predominate,—it would gradually succeed to the departing influence of Episcopacy. There the Presbyterian nonjurors would be overwhelmed and driven out.† But in some western districts there would

* Among other methods for communicating it, Wodrow mentions conferences with the Lord-Advocate, and the Lord-President. The latter "took much pains in conversation and converse to clear ministers; and has likewise shown himself very well natured and much for harmony, though some of them consumed much time in long harangues."—*Analecta*, p. 41.

† "For our northern brethren," says Wodrow, "they need much sympathy; their souls are among fierce lions." Of his neighbours he anticipates, "The synod of Galloway, except it be some two or three in the Stewartry, will refuse. I think they will be the most joint against the oath of any synod among us. Dumfries lies more south, and consequently nearer the sun and light, yet there will be many against it, and that with more noise than their neighbours. I fear a lamentable rent in that country, both among minis-

be a triumphant majority who would do their best, until themselves driven into dissent by the civil power, to drive forth the conformists.* It was proposed, that those who "had clearness" should, for the prospect of unity, agree to delay qualifying until those who were in doubt had clearness imparted to them; but it was feared that any such arrangement would involve an appearance of general resistance, productive of very formidable results.† The fathers of the conference were compelled to leave events to take their course, and separated with many heavy forebodings.

When the time arrived for taking the oaths, the religious bodies which had alternately held rule in Scotland, were each cut in two. In the Establishment, the nonjurors turned out to be comparatively a small body; but few of the Scottish Episcopalians took the oaths. They had associated themselves in principle and action with the cause of the Stewarts. The very circumstances under

ters and people. Merse and Teviotdale, I hear, are generally clear, except some few. Lothian will be like ourselves in this synod, but generally clearer. Fife and Stirling are about half and half."—*Correspondence*, i., p. 311. The expression about Dumfries lying nearer the sun and light, might seem equivocal to one not familiar with Wodrow's arid sarcasm. Ranking himself among the "nons," he says very candidly, "I cannot promise for myself, if it be put to suffering, and I shall say as little as to others." If not a resolute, he had, however, a candid mind, and he objected to the casuistry, on which the oath was taken with an explanation, saying, it was for those who offered, not those who accepted, the oath, to specify what they exacted, whether explanatory or otherwise.

* Wodrow remarked, that "The brethren in the north seem to be in very hard circumstances if they take it not; and those in the south to be in very great hazard if they do take it; and how a mids is to be struck, I yet do not see."

† Wodrow says, "This was judged very unsafe; for though it is not to be expected that all would be turned out immediately, yet it is probable that Edinburgh, Glasgow, and university towns, might be presently displanted, and the penalties executed upon them, and curates, etc., planted in their room by the patrons; and gradually the rest would turn out, and the church would thus be perfectly ruined, and those brethren that had clearness would have no satisfaction to suffer themselves; and so the church broke upon a matter in which themselves were clear in point of duty."

which the Toleration Act, with its qualifying appendage, was passed, brought new hopes to their cause, and they were not to abjure it at such a moment. The clergy who took the oaths were generally members of the Church of England; and those Episcopalians who did not choose to be counted Jacobites gathered round them, and were considered a sort of branch of that church.

The Jacobite majority went ever after by the name of Nonjurors. The Established church bestowed on the minority of their own body, which was separated by the same law, but not the same principles, the more familiar and less respectful abbreviated name of the "Nons." This body had, indeed, a far less firm standing in the ordinary foundation of human motives than their antipodes of the Episcopalian unqualified. The latter had a substantial cause to advocate, and had no substantial pecuniary reward for conformity. The Presbyterians, on the other hand, with all the worldly advantages of a comfortable endowment beckoning them in the direction of conformity, were all heartily in favour of the object of the oath; they only objected to the profession of the opinions they entertained in such a form. People acting on principles so purely theoretic can seldom accomplish much, unless they go forth on the wings of an enthusiastic and overwhelming majority. When they once cross the line that places them in the minority, it is their fate to dwindle and become insignificant. Though we are told, that at the time when the oath was to be taken, some fell ill, and others encountered convenient interruptions;* yet there was abundant countenance in a growing majority for those who desired an excuse for conforming, and every day added to the list of ministers who had got "clearness." This preponderating number felt itself speedily strong enough to hoist signals of defiance and

* Analecta, ii., p. 110.

contumely. The "nons" were subject to urgent persuasions, to ridicule, and sometimes to the charge of being friends of the Jacobite cause, and secret enemies of catholicism—a charge which carried a special sting in their abhorrence of the character thus attributed to them.*

The "nons," however, if they were inferior in a careless and unclerical recourse to sarcasm, could retaliate with more powerful weapons. Believing that they inherited, more purely than the rest of their brethren, the true spirit of their church, they were less tolerant and more exclusive. A small middle party, among whom Wodrow was conspicuous, endeavoured to carry out an understanding, that the battle was to be left between the state and the recusants, and that all the clergy were to act in their ministerial functions and their ecclesiastical courts in brotherly love, as if there were no cause of dif-

* Wodrow, in a series of curious and mournful observations on these uncharitable manifestations, says:—"I find likewise our clear brethren hereabout have made the first attacks upon the unclear, though I think they might have rather pitied them at present, falling into the most hazardous side of what appears to them the truth. In the pulpit of Glasgow, Mr J. C., it is reported, the week before the oath was to be taken, gave a popish plot as one of the causes of God's controversy, and said he feared many ministers were engaged in it, and wished a little time might not discover it. . . . If every one that had taken, reckoned the nonjurors in a popish plot; if every recusant reckoned jurors making open defection from our Covenants,—I know not where things would end. I hope there are some of temper on each side, that will endeavour to be bandstones. It is a mercy to the people that ministers popular, as it is called, and generally taken and esteemed by them, are on both sides."—*Analecta*, ii. 110, 111.

However spiteful it might be to charge the presbyterian nonjurors with a favour for Jacobitism, it was, however, pretty clear that their conduct, with everything that tended to widen the breach with England, favoured that cause. One of Wodrow's correspondents, speaking of a man eminent in his day, says:—"Mr Webster has preached against the abjuration oath these two last Sabbaths, and exhorted, in his sermons, not only ministers, but those of the College of Justice, to consider well before they take the oath. For his own part, he said, he would rather go with his wife and family to the utmost part of the earth, and have but one meal a-day, than take it. The Jacobites are so well pleased with this, that they never drink King James's health, but they drink Mr Webster's health after it."—*Correspondence*, i. 163.

ference among them. But the sterner party would have no such intercommuning; and set themselves, in minor courts, where they had a predominance, to rebuking and excommunicating the conformists. As we so often find in Scottish ecclesiastical disputes, though the quarrel was between the churchmen wielding spiritual authority, and statesmen with their temporal weapons, the most vehement, untiring, and resolute opponents of the oath were the elders and other influential members of congregations; and often, when the ministers would have conformed, or at least have desired to follow the dictates of their consciences with quiet self-approval, judging charitably of their neighbours, they were unwillingly driven to a more offensive position by the conduct of self-sufficient and intolerant elders. Many of these rigid censors, uniting to themselves a following of less gifted persons aspiring to their invidious functions, not only spurned the conforming clergy as spiritual guides, but, lifting their protest against those nonjurors who held friendly communication with the deserters, sometimes, in the local church courts, subjected them to rebuke for their lax and unlawful intercommunings.*

The recusants often proposed to adopt a system of organisation, for the purpose of hostile operation; but as there were no oppressive measures immediately pursued against them, prudence so far prevailed as to restrain the greater part of them to negative recusancy, until historical events altered their position. In the meantime, they resolved to retain their benefices and clerical position, abiding their fate. Within their circle, however, and still nominally of the Church of Scotland, were some whose exclusive spirit was deepened and hardened by

* The reader desirous of more minutely examining these local disputes, will, without undergoing the labour of a search among the pamphlets of the day, probably find as much about them as he can desire to peruse, dispersed throughout the first volume of Wodrow's "Correspondence."

the stern nature of a body of their hearers, or rather lay coadjutors. To these ministers, whatever they might have done had they been free agents, there was now a choice between two masters—the Established Church, and the Covenanting fathers of their congregations. By the latter, conformity was, of course, not among things to be anticipated. The question really at issue was, Whether men so eminently rigid in their walk and their opinion, could endure that their pastors should sit transacting parish business with men who took the oath, or even with those who held communication with men who took the oath? This brings us again in contact with our old friends the Cameronians, and is the last occasion on which it will be necessary to enlarge on their peculiarities.

This epoch, indeed, became conspicuous in their history, by their consolidation as a separate body, severed from the Church of Scotland. Their new foundation became known and memorable in their own history as the "Auchenshauch Declaration and Engagement." Since the Revolution Settlement, when, from the unmanageable perversity of this obdurate sect, they were deserted by their three clergymen, they had kept themselves apart—a compact, organised, jealous body, meeting from time to time to lift up protestations, and proclaim remonstrances. A succession of these fierce documents begins with the Sanquhar Declaration of 1692, the violence of which seems to have prompted the government to imprison their leader, Sir Robert Hamilton.* Another testimony was adopted in 1695, another in 1703; and these were followed by a denunciation of the Union, and the "Auchenshauch Declaration."†

* It appears, from a passing notice in the Minutes of the Privy Council, that he was so imprisoned. It is not among the grievances generally alluded to in the pamphlets of the sect.

† The titles of these documents, all bearing such a general resemblance to each other, that it is difficult to distinguish them, are a singular blending of avowed humility and actual spiritual pride. Thus, "The Protestation,

These lay associations were extremely anxious to obtain clerical leadership; but they still exacted that rigid obedience which had left them, on previous occasions, destitute of a ministry, and made their chosen pastors glad to take refuge in the Establishment. They were, however, the external support to which the extreme Covenanting party in the Assemblies leaned, from the Revolution Settlement, to the time of the abjuration oath.

The church thus included several members who adopted their cause with more or less vehemence. These clergymen kept their brethren in unceasing torture and excitement, amidst an endless maze of representations, protestations, and testimonies, on the one hand, met by censures, suspensions, and depositions, on the other. It was the policy, or rather the spirit, of the extreme men, instead of dissenting from the church and leaving its judicatories, to give defiance, and attempt to bend the overwhelming majority against which they stood out, to their own views. They looked upon themselves as soldiers, who, by dissenting, would be deserters from their post. In their many proclamations of defiance, they ever professed the most entire submission to the authorities and judicatories of the church, provided these bodies were purged of all defection and scandal,—meaning, if more than four-fifths of the members were cast out, and none were admitted but those who thought as they themselves did, and adopted any test they chose to offer. Sometimes their tired antagonists endeavoured to come to a compromise with them. On these occasions, the extreme brethren generally expressed cordial willingness for a peaceful union; but when they named

Apologetic Declaration, and Admonitory Vindication, of a Poor, Wasted, Misrepresented Remnant of the Suffering, Anti-Popish, Anti-Prelatic, Anti-Erastian, Anti-Sectarian, True Presbyterian Church in Scotland." Some quotations, characteristic of the whole, have been made from the Sanquhar Declaration on the Union.—See above, chap. xi.

the terms of co-operation, these were a revival of the old absolute injunctions, that the church should renew her covenant, and adopt her allotted task of extirpating Papacy, Prelacy, and Sectarianism throughout the three kingdoms. They treated the majority of their brethren as schismatics, and occupied towards them the position of the true church, with which they were bound to come to a reconciliation through penitence and abjuration of error.

It is remarkable that those who were nearest, both in opinion and local position, to these reverend gentlemen, were their bitterest opponents. The inferior judicatories of the church thus endeavoured to drive them forth, but were sometimes baffled in the higher courts by points of form or an unwillingness to commence the work of severance. They had a signal cause of triumph over their backsliding brethren, in the proceedings against them being interrupted by those regal adjournments of the General Assembly which gave so much affliction to the church in general.

Among the most merciless of these thorns in the side of the new Establishment, was the Rev. George Hepburn of Urr. A more troublesome fellow-labourer was never endured by men desirous to live in peace and comfort, and do such practical good as lay in their way. No soothing compliments, no gentle remonstrances, no numerical superiority, or commanding pomp of church judicatory, could stop his testimony, or prevent him from calling his gentler and more accommodating brethren self-seekers, who left their sheep to the ravenous wolf, and charging them with a multitude of crimes, which, beginning in toleration and laxity, mounted up to blasphemy and perjury in the abandonment of the Covenant. He was for some time actually deprived of his ministerial functions by the local ecclesiastical courts; but he paid no attention to their decisions, counting

them as the mere denunciations of wicked schismatics. In the midst of his lamentations, that Papists, Quakers, Arminians, and other heretical and erroneous persons, are not in a due manner taken course with, he was practically awakened to a consciousness that the sword of persecution has a double edge.*

On the 28th of July 1696, he was cited before the Privy Council, where he was called "sometime minister, but now a vagrant preacher," and tried under the acts passed against the unqualified Episcopalians. It was brought in charge against him, that, "shaking off all fear of God, or regard for his Majesty's laws," he had preached without qualifying himself; and, despising the authorised fasts and thanksgiving, had held others of his own authority. He acknowledged the charge, taking glory in it, but, with characteristic proud perversity, would not sign the acknowledgment. He was required to find security to reside within two miles of the town of Brechin; and, not finding the security, he was committed to Edinburgh Castle, whence, by a warrant to the commander of the forces, he was transferred to the fortress of Stirling; so that, stage by stage, from the secret council-chamber to the royal fortress, the process seemed to be advancing on a parallel, very satisfactory to the sufferer, with the martyrdoms of the preceding reign.†

* His intolerance went beyond that which cannot endure to see another religion lifting itself up in its pride. He says,—"That these (the penal laws) are not put in due execution, need no other proof than that through the land there is a great number of Papists living in great quiet; and there are several meetings of Quakers in and about Edinburgh, Glasgow, Aberdeen, Hamilton, and other places through the kingdom, convening and publicly venting their damnable doctrines, to the infection of not a few."—*Humble Pleadings for the Good Old Way*, p. 89. The "Humble Pleadings" are, of course, a savage denunciation of everything that differs from the author's opinion.

† Minutes of Privy Council, 28th July and 18th August 1696. In the Council Minutes of 10th December 1696, there is a curious application from Hepburn's brother Patrick, apothecary in Edinburgh, who, having a fluxion in his eyes, and being incapacitated from business, entreats that he may have

It is said in the pamphlets of the day, that, transferred from prison to prison, he managed to preach from his barred windows, sometimes to a considerable congregation, consisting not entirely of stray passengers arrested by his uncouth earnestness, but containing some who had travelled from his own peculiar western district to drink at the pure fountain of covenanted truth. As yet, however, there had been no actual severance of this man from the church. He was under a sentence of separation, but it might be removed. It was the conciliatory policy of Carstairs and his friends, to cut off none who could be retained; and in 1699, the General Assembly restored Hepburn to his ecclesiastical position. However ungenial conformity might be to the impulses of his restless nature, yet he now managed to keep in peace with the church. At the Union this troublesome man took a new light. It was not the way with his sect to do things by halves, and he adopted a course which his followers were pretty well justified in denouncing as gross treachery towards themselves as men, while they proclaimed his religious defection as a deeper and more awful crime.

Here was already the second clerical defection from the Cameronians, since the Revolution; but it was more than compensated to them by affording them the commencement of a genuine and faithful ministry out of that portion of the covenanting clergy of Scotland who were most deeply disgusted by the connection of the nation in government with the English hierarchy. Their first leader was the Rev. Mr MacMillan, from whom a section of the Cameronians have sometimes been called Mac-

the comfort of his brother's society and conversation, and he offers to become surety that his brother shall remain quietly in Edinburgh. The proposal is acceded to. It was evidently an arrangement by the apothecary to keep his wrong-headed brother out of mischief; and it was probably gladly acceded to by the Privy Council and the servants of the Crown, conscious that they had put themselves in a false position.

Millanites; and his second in command was the Rev. Mr MacNeill.

Instead, however, of at once coming forth from the defiled Establishment, they adhered to it as long as they could, on their old principle of reforming from within. MacMillan, like Hepburn, was besieged by a battery of ecclesiastical prosecutions, which he treated with contempt. It would be a tedious and uninstructive labour to follow them through their multitudinous forms. It appears that in 1711 the local church courts had deprived him of his ministerial connection, but as his parishioners were devoted to him, a successor could not be installed, though he found it extremely difficult to obtain payment of his stipend.*

But such captious contests dwindled away before the days of glory at Auchinshauch, which, to Mr MacMillan, were something like what the day of the inauguration of the Supreme Being was to Robespierre. Beginning on the 27th of July, in 1712, high festival was held by a crowd of the followers of the primitive Covenants, gathered from all parts of the border districts. The Covenants were renewed along with the other testimonies of the Covenanters.† Along with their acknowledgment of old standards, they adopted a testimony of their own, adapted to the occasion. In this document, which has a generic resemblance to the other countless testimonies, they protest against all schism and sinful

* Wodrow says (8th January 1711), "I hear that in November last, when the presbytery were about to settle a young man in Balmaghie, they could not have access to the church, and they went to Kirkcudbright and ordained him there. That there were ten or twelve commissionate from the party that adhered to Mr MacMillan, that came to the church of Kirkcudbright, heard sermon, and in the time when the presbytery were going on to ordain him, rose up, and one or two discharged the moderator to go to ordain that man, for they offered to prove him a liar, a swearer, a thief, and I know not what more. They were seized and sent to prison."—*Analecta*, i., p. 315.

† See an account of this solemnity, given with something like a spirit of admiring rivalry, in "Wodrow's Analecta," ii., p. 76, *et seq.*

separation from the Church of Scotland—a fault which they do not take to themselves, since they stand forth as its only true members. They detest and abhor the oaths of allegiance, assurance, and abjuration. They solemnly bind themselves in their stations and vocations, to extirpate prelacy, and all rites, ceremonies, heresies, and false doctrines; concluding their denunciation of all who differ with them, and their obligation to put down all such differences, in these gentle words, we "shall, in the strength, and through the help of Christ, endeavour to deny all ungodliness and worldly lusts, and from henceforth to live righteously towards our neighbour, soberly in ourselves, and to walk humbly towards our God."

Thus was organised the first secession from the Church of Scotland. But, alas for human popularity, whether secular or religious,—even MacMillan and his clerical pupils were unable to comply with the exactions of the sternest of their sect. After having been thus lifted in glory over the heads of their denounced predecessors, they were themselves denounced; and many rigid lay fathers of the congregations left a penitentiary testimony against their own unintentional backsliding, when they were led away by the plausible protestations of that man of deceit and guile, who had deceived their trusting hearts at "the Auchinshauch Wark."

It would be impossible, if it were of use, to follow the Cameronians through their divisions and subdivisions. A portion of them, looking sternly back on the successive array of clergymen who had, by outbidding each other, endeavoured in vain to minister to the intense rigidity of their spiritual demands, came to the conclusion that no man might be found, from whom they could fittingly receive ministerial functions. They isolated themselves as "non-hearers," and set forth in their testimonies that the guilt of abstaining from the rites of religion was not theirs, but must be laid on those shep-

herds who had foully deserted the sacred task of leading their flock in the right way. They gave themselves forth in abundant testimonies, which, however earnest they may have been, are far more curious than solemn.* Though thus, however, fragments were repeatedly broken off and scattered, the sect or church of the Cameronians lived on. It is now known as the Reformed Presbyterian Church, numbering upwards of forty congregations, who, it is believed, listen to doctrines of a very different temper and spirit from those with which a few of the clergy between the Revolution and the accession of the house of Hanover, endeavoured to propitiate the stern Hillmen.†

* The following paragragh, from "The testimony of William Wilson, sometime schoolmaster in Park," may stand as a model of exhaustive enumeration:—"I leave my witness and testimony against all sectarian errors, heresies, and blasphemies; particularly against Arianism, Simsonianism, Socinianism, Quakerism, Deism, Burogianism, Familism, Scepticism, Arminianism, Antinomianism, Libertineism, Brownism, Baxterianism, Anabaptism, Millanarism, Pellagianism, Campbellianism, Whitfieldianism, Latitudinarianism, and Independency; and all other sects and sorts, that maintain any error, heresy, or blasphemy, that is contrary to the word of God, to sound doctrine, and the power of godliness; and all erroneous speeches, vented from pulpits, presses, or in public or private discourses; and against all toleration given or granted at any time, in favour of these, or any other errors, heresies, or blasphemies and blasphemous heretics; particularly the toleration granted by the sectarian usurper Oliver Cromwell; the antichristian toleration granted by the popish Duke of York; and the present long continued toleration, granted by that wicked Jezabel, the pretended queen Ann."—*Collection of Dying Testimonies*, etc., p. 334.

† Those who wish to investigate the early history of the Cameronians, will find much curious matter in the following books and pamphlets:—

The Nonconformists' Vindication; or, a Testimony given against the Indulged Assembly of Separatists, wherein the false Calumnies and Aspersions cast upon the suffering Presbyterians, are answered and confuted. Also the Heads and Causes of Separation are opened and explained. Together with an Explanation of the Erastian State of the present Church. By Patrick Grant.

Truth and Reason are no Treason. Libera Gens, Libera Mens. 4to, 1700.

Grounds of the Sentence of Deposition, pronounced against Mr John MacMillan, Minister of Balmachghlie.

A true Narrative of the Proceedings of the Presbytery of Kirkcudbright.

The pamphlet entitled "A true Narrative," etc., Examined and found

Returning to the civil history of the period, we find events concurring to revive the hopes of the Jacobites. They were in themselves a considerable body. The leaders of the cabinet were supposed to be partial to their cause; and some of them knew the great state secret of the time, that Bolingbroke had committed himself to their interest. The different classes of people who, in Scotland, had been the zealous friends of the Revolution, had received buffet after buffet from England since the Union. It was difficult to find any body of men, in ecclesiastical synod, or county meeting, or corporate municipality, who, if they were not writhing under

False, and the said Presbytery and Reverend Commission of the General Assembly are Vindicated from what is calumniously alleged against them therein, etc. By a Member of that Presbytery. 4to, 1705.

A Letter from a Friend to Mr John MacMillan, wherein is demonstrated the Contrariety of his Principles and Practices to the Scriptures, our Covenants, Confession of Faith, and Practice of Christ and the Primitive Christians, etc. 4to, 1709. (Marked in the Advocates' Library copy, in Wodrow's handwriting, "By Mr Linning.")

A Modest Reply to a Pamphlet intituled, "A Letter from a Friend to Mr John MacMillan," showing that his Principles and Practices are consonant to the Word of God, etc.

Just Reflections upon a Pamphlet intituled "A Modest Reply," etc. (In Wodrow's handwriting, "By Mr A. Hamilton.")

The Beam Pulled out of the Hypocrite's Eye, or the Querier Questioned: wherein is vindicate the False Calumnies cast upon the Truth and Testimonies of the Church of Scotland; in a Letter published and directed to Mr John MacMillan, etc.

The Friendly Conference; or, a Discourse between the Countryman and his Nephew, who, having fallen off from hearing, hath for some years been a follower of Mr MacMillan, etc. 4to, 1711.

A Short Survey of a Pamphlet intituled "A Friendly Conference," etc.

The "Survey of the Friendly Conference" Examined, etc.

Humble Pleadings for the Good Old Way; or, a Plain Representation of the Rise, Grounds, and Manner of several Contendings of the Rev. Mr John Hepburn, etc. 1713. (This volume contains several of the papers in Mr Hepburn's clerical litigations.)

An Answer to the first part of "Humble Pleadings;" or, a Vindication of the Church of Scotland from the Unjust Aspersions of Mr Hepburn and his Party. Dumfries, 1717.

A Collection of the Dying Testimonies of some Holy and Pious Christians, etc. (Referred to in preceding note).

acts of palpable injustice, had not some complaint of contumely and insult against England. It did not follow that the discontent and irritation went so far as to convert the friends of the Revolution Settlement into Jacobites. But still the discontented and irritated were watching for signs of a counter-revolution; and were far more ready to resign themselves to a change of which they were daily watching the prognostics, than they would have been had they received kind, considerate, and cautious usage from England.

While public feeling remained in that state of suspense which makes it proverbially susceptible, a little incident, which would at other times have passed unnoticed, sent a thrill of excitement through Scotland, and found its way, in a conspicuous shape, into the ordinary histories of the period. The Duchess of Gordon, an excitable and rash woman, a Roman Catholic, and an ardent Jacobite, presented to the Faculty of Advocates, the Bar of Scotland, a Jacobite silver medal. It had on one side a likeness of the Stewart representative, with the significant legend, "*Redite*," and on the other a little map of the British Islands, with the legend, "*Cujus est.*" The object was unmistakeable. It does not appear, however, that this medal was made for the occasion. It was common on the Continent, and was treasured by friends of the cause in this country. But the trivial character of the offering was supposed only to indicate the reckless and confident spirit of the Jacobites. If the Duchess of Gordon had caused a medal, at great cost, to be struck in gold, it might have indicated a feeling of deep devotion to the fallen cause. The sending a common silver medal thus ostentatiously to a body of gentlemen, savoured of contemptuous defiance. Boyer, Tindal, and other historians of the period, give an account of the reception of the medal. It is difficult to believe, either that so much pompous importance

as he mentions could have been given to so trifling an event, or that men of responsible position should have rashly and publicly accepted the offering as a token of intelligence, and a forecast of coming events. And yet real names are given, and the accounts are so accurate in the technical phraseology of the violent speeches attributed to the members of the Faculty, that they evidently must have been prepared by people who were acquainted with the details of the incident.* The imprudence attributed to those who represented the members of the bar on this occasion, would indeed be beyond belief, and the whole history would be attributable to the exciteable credulity of the public mind, were it not that its substance is confirmed by an indictment against James Dundas, the most prominent actor in the scene, for the peculiar Scottish offence of leasing-making.†

* The account by Tindal and the other historians, appears to have been derived from the "Flying Post." See Boyer and a pamphlet of the day, called "A Speech for Mr D——sse, younger, of Arniston." The account was contradicted on authority, and the Dean of Faculty threatened to prosecute the "Flying Post," but the editor maintained the accuracy of his report, and the threat of prosecution was not executed. Though the historians give the narrative of this little event evidently from home information, one would be apt to say that they surely did not give, in the coarse abuse they record, a characteristic specimen of the way in which the Faculty of Advocates spoke to each other at that time. Even in this, however, it will be found that the account is confirmed, so far as the accusation in the judicial proceedings is a confirmation.

† State Trials, xv., p. 122. It is charged against him, that "though it was by some objected, that the medal was injurious to, and reflecting upon us and our right and government, yet he opposed and alleged, that being the medal of the Pretender, who had the right in blood, and which right, he said, was good, or words to this purpose, it ought to have been received, and the opposition made to it by mushrooms or scoundrels, or words to this purpose, ought not to be regarded." According to the more full report in the histories, it is said that an objection being made to the reception of the medal, it was answered,—"that Oliver Cromwell's medal, who deserved to be hanged, and the arms of the Commonwealth of England, had been received, and why not this?" There was a happy enough rejoinder by Joseph Hume of Nincholes (meaning of Ninewells), the father of David Hume, "that it was time enough then, to receive the medal when the Pretender was hanged." Dundas was represented to have said, that the opponents "affront the Queen, whom they

Though the proceedings were thus formally commenced, it was significantly remarked, that they were not pushed to any conclusion, as they certainly would have been, had there been a desire to punish Dundas, if guilty, or for the sake of his acquittal had he been innocent. It was alleged, that the form of a prosecution was adopted to meet a demand from Hanover, and that it was abandoned to satisfy desires nearer home. Along with the medal affair, Dundas was charged with the authorship of a violent Jacobite pamphlet, termed in the indictment "a heap of lies

pretend to honour, in disgracing her brother, who is not only a prince of the blood, but the first thereof;" and he concluded with, "none oppose the receiving the medal, and returning thanks to her grace, but a few pitiful scoundrel vermin and mushrooms not worthy our notice." A deputation was appointed who waited on the Duchess, and said,—"We are deputed here by the dean of the faculty of advocates, in their name, and for ourselves, to return our most hearty thanks to your grace for all your favours, and particularly for the honour you did us in presenting us with a medal of our sovereign lord the king; we shall always be proud of any occasion to testify our loyalty to his majesty, and the respect and honour we have for your grace."—*Boyer's Annals*, p. 205. It was, of course, natural that the author should endeavour to discover any traces of this exciting incident in the records of the faculty of advocates. As it appears there, it would not be easily discovered without the leading particular of the date, to be the event commemorated by the historians. On the 17th of July 1711, at a general meeting of the faculty, a complaint was made, that one of their servants had received a medal, which he laid before some of the members of the faculty, assembled for the purpose of examining a candidate for admission to their society. The allusion to the incident is very vague and general; there is nothing either about the impress on the medal, or the person from whom it was received. The only indication that there was something interesting about it, is a statement, among those assembled on the occasion, of some "being for admitting any medal of whatever kind, and others excepting against that particular medal." Whatever the zealous servant of the body, or the persons incidentally assembled to examine an intrant, might be understood to have casually done, the faculty, when solemnly convened, resolved, that the medal should be handed over to the crown lawyers, and passed a loyal address, with this conclusion, that they, "for vindication of their duty, and loyalty to her majesty's person and government, and the protestant succession, as by law established in the illustrious house of Hanover, do declare their utter detestation of all practices that directly or indirectly may contain the least insinuation to the contrary, or any encouragement to the pretender or his abettors."

villany and mischief."* It compared the "abominable monster," King William, to Nebuchadnezzar and to Nero; and charged him with commencing a system, still pursued, which was fraught with cruelty and injustice, and ruinous to the realm of Scotland, appealing, with an audacity to be accounted for only by expectation of aid in high quarters, to the late humiliation of Scotland, as remediable but in one way—the restoration of the true representative of the old line of kings.

Contemporary with these indications, there were movements in the Highlands which had a suspicious resemblance to armed preparation. The funeral of a chief, or any man of high connection, was ever celebrated with great pomp of warlike pageantry, and it was observed, that on such events, occasion was taken to gather assemblages of men, so great as to be more like armies than funeral processions. Government money, at the same time, was known to pass from the secret service department to the Highland chiefs. This was so palpable, that the Duke of Argyle even ventured to found on it a charge in Parliament against the lord-treasurer Harley. This inscrutable statesman vindicated himself by saying, that he had but continued the practice established by King William, who had allowed gratuities to the heads of clans to ensure their loyalty. To turn the attack, it was proposed that Harley should receive the thanks of the House for his conduct on the occasion. But Bolingbroke, then his bitter rival, but his necessary coadjutor from a knowledge of common secrets, and perhaps a sense of common danger, desired to avoid a conspicuous triumph which would irritate the enemy, and make the whole affair perilously conspicuous; so he said "He was persuaded the Treasurer was contented with the testimony of his own conscience, and desired no farther satisfaction

* The Faculty of Advocates' loyalty, in a letter to the Queen's most excellent majesty, by one of the Dean of Faculty's Council.

than to have his conduct approved by that august assembly." *

It was one of the great misfortunes of the day, that the other and more systematic proceedings of Parliament continued to have that nationally hostile tendency towards Scotland which had already made so much alienation.

However averse moderate Presbyterians might be to violent outcries at a time when Jacobites exulted in events which seemed to lead to a restoration, the great body of the Scots people were impressed with a feeling that English statesmen were endeavouring to make Scotland a province of England. The cup of bitter humiliations drained by many of the Scottish people, differing from each other both in religion and politics, would not appear full without some reference to a short measure passed immediately after the restoration of patronage. It was an act to restore "The Yule Vacance." This was the name by which the Christmas vacation of the supreme courts was known in Scotland, and under which it was suppressed at the Revolution,—the observance of Christmas being offensive to primitive Presbyterian opinions, as savouring of Popery. As if it were even to render the offence also a little more bitter, the old Scottish name of the holiday was withdrawn, and the English expression of the Christmas vacation was put in its place.

Before the death of Queen Anne, the Presbyterians were alarmed by hearing of what seemed to be the next step to a complete clerical revolution, in a plan for devoting the revenues of the bishops, in the hands of the crown, to the unbeneficed Episcopal clergy; but if such a plan was entertained, it made little progress to completion.†

* Parl. Hist., vi., p. 1339.

† It is stated in some historical works on this period, that the plan was carried out; and in others, that a bill to effect it was brought in and lost, or dropped. There was little control over the application of the bishops' revenues, and it would be difficult to say how they may have been distributed.

It may seem that the Scots had, at this memorable period, so much interference with their own religious affairs to digest, that they need not have been too curious in discovering sympathetically the grievances of their neighbours. And yet a new shock was passed to Scotland in the Schism Act, which made it penal for dissenters to be teachers; and in the act against occasional conformity, which, going beyond the exaction of a qualifying adherence to the Church of England through its communion, as a test of office, rendered it penal for those so qualified to attend dissenting worship. The Presbyterians of Scotland had a feeling more than sympathetic against this act of high church fanaticism. It prevented members of their communion from holding office in England, even if they were so tolerant or latitudinarian as not to refuse the test of the Lutheran church; while the Scots, at the Union, had proposed no counter-test for civil office in Scotland, and were certainly now far from any probability of establishing one.

There was still another movement, tending to open the fissure between the two kingdoms. It was not one of those which affect the more serious constitutional functions, or touch a nation's religious liberty or prosperity; and yet it was deemed of vast importance in its day, because it disturbed a matter in which an aristocratic nation like the Scots had built up much of their pride and sentiment—the position of their nobles. Such was the un-

But, in the parliamentary journals, the only measure relating to them has the appearance at least of being directed to inquiry and restraint. On the 7th of June 1714, leave was given by the Commons for a bill "to appoint commissioners to inquire into the value of the rents and revenues which belonged to the archbishops in that part of Great Britain called Scotland; and into the value of all grants and alienations of the same, since the year 1689; and to what uses, and upon what considerations, the same have been granted." The bill passed the Commons, and went to the Lords, where, on the 8th of July, a second reading was fixed; but the measure seems to have been then dropped. The inscrutability of this fund was censured in the report of the Public Accounts' Commission, mentioned Vol. i., p. 487.

fortunate influence of the English political movements of the period, that, in a question about the privileges of a duke, they appear to have created far more popular hostility for the moment than in the other measures which left so fruitful a legacy of discontent to later times. The fundamental question under the personal one, was whether the Union barred the crown from advancing any of the Scots elective peers by creating them peers of Great Britain. The quantity of peerage lore brought forward to show whether it was a natural or an unnatural act—a possible or an impossible one, for the crown to make such a creation—need not be examined on this occasion; but it is important to notice that, as if it were by a continued fatality, this, which was naturally a pure question of recondite peerage law, became a source of national enmity and estrangement. On the 12th of December 1711, it was noticed in the House of Lords that, in the list of peers given in by the Garter King-at-Arms, there was among the dukes the name and title of James Hamilton, Duke of Hamilton and Brandon. It was maintained that this creation was an infringement of the privileges of the English peerage, and the question gave rise to a hot debate. What rendered it significant as a political, if not a national question, was that the Duke of Queensberry had been created Duke of Dover, with the usual gradation of sublunary titles, in 1708,* and that the event had passed unnoticed. It was evident, in the Duke of Hamilton's case, that it was not the fastidiousness of the English peerage, but the sensitiveness of a political party, that suggested a stand against the Scottish magnate having, by patent, a seat in the House of Lords. The majority of the hereditary branch, as a natural result of the Revolution and the reign of King William, were of Whig or Revolution Settlement politics.

* Created Baron of Rippon, Marquis of Beverley, and Duke of Dover, 26th May 1708.

The ministry notoriously wanted aid in that House; and when the Duke of Hamilton's patent appeared, it was said that the independent aristocracy of England were to be inundated with a horde of servile and sordid peers of Scotland, converted, by a patent and a scarcely perceptible difference in nomenclature and position, from a species of titled yeomen in their own country, to be the august holders of the balance of parties in the imperial Parliament. These apprehensions were not utterly groundless. The peerage were quite justified in expecting some great stroke to invert the internal strength of parties among them. Three weeks did not elapse after the notice taken of the Duke of Hamilton's patent, ere that creation of twelve peers at once—which has had as much effect as either the Treaty of Utrecht or the Patronage Act, in rendering the Tory ministry of Queen Anne memorable—occurred. The opposition in the House of Lords effectually prevented the Duke from taking his seat as a British peer; and his tragic fate, connected with the same party contests, gave a solemn, and, as some deemed it, a monitory conclusion to a contest in which nations were shaken about a title and a tinsel decoration. But there was in the whole dispute, and in the method in which it was conducted, matter of offence to Scotland, which, by being restlessly and ingeniously stirred, was made formidable.

The pervading historical character of the events we have just gone over, as immediately following the Union, is, that English statesmen, had they desired to alienate Scotland, and create a premature revulsion against the Union, could not have pursued a course better directed to such an end. The position of the countries demanded a delicate and cautious policy. Scotland had to go through the immediate perceptible evils, of a departed nationality, a decaying retail trade, and increased taxation—the countervailing benefits from extended enterprise lay in

the future. A parental government would, on such an occasion, have carefully avoided everything that irritated national pride or prejudices, and seemed, however slightly, to sacrifice the interests or the independence of the one country to the other. There are some great acts of justice which statesmen must do when they have the power in their hands, however that power may have been gained, or however offensive the act may be, even to those who have conferred on them the means of doing it. The abolition of man's great tyrannies over man—the emancipation of the person or of the conscience, are among these acts. Thus, no conscientious statesman could hesitate in carrying the toleration of Episcopacy, however much it might displease a powerful party. But there could be as little doubt, that where a body of men like the Scottish clergy were strongly attached to the Revolution Settlement, yet had many scruples against proclaiming their affection in abjuration oaths, their imposition was a useless and gratuitous offence.

In all such secondary matters, it should have been the policy of the government of Britain to have done as little as possible to remind Scotland that she was now in the hands of strangers. The great service which a central government, uniting several interests and conflicting elements, can accomplish for its various parts, is to save them from the tyranny of local majorities, and the selfishness of provincial interests. In these shapes, the central government has, in later times, ever exercised a beneficial influence over Scotland, and has begun to extend this beneficent function to Ireland. It is a function, however, which is best exercised when it appears least conspicuously to emanate from the stranger. It might have been accomplished by quiet checks and skilful adjustments of the balance of parties, while, save in this beneficent but unconspicuous influence over them, the management of affairs should have borne as close a

resemblance as possible to what it would have been had Scotland retained her own legislature. Unfortunately, whether from want of true statesmanship, or the trying influence of a time when men were occupied in throwing desperate stakes for large prizes, the policy adopted towards Scotland was far different from this soothing and corrective character. In almost every one of the changes just enumerated, the offensive act was offensively done, and the country was ever reminded that she was in the hands of ungenial and uninterested, if not hostile, strangers. And there were plotting spirits who, tempted by the carelessness of the combatants in the great parliamentary conflicts of the time, took the opportunity to turn the transaction of Scottish business to serve their own objects, which were generally hostile to the Union and the Revolution Settlement. Indeed, in Queen Anne's Tory Parliament, many of the acts which seemed to favour the Jacobites, were suggested less by that avowed object than by their tendency to offend the Presbyterian and Hanover party.*

* Lockhart deliberately takes credit for having pursued such a policy systematically. "In order to prepare those who, I knew, would not assist the King out of a principle of loyalty (I mean the west country Presbyterians), for receiving impressions that might prevail with them on other topics, I had, in concert with Dr Abercrombie, been at a good deal of pains to publish, and disperse among these people, papers which gave, from time to time, full accounts of what were like to be the consequences of the Union, and showed how impossible it was for the Scots to subsist under it. And *I pressed the toleration and patronage acts more earnestly that I thought the Presbyterian clergy would be from thence convinced that the establishment of their kirk would in time be overturned*, as it was obvious the security thereof was not so thoroughly established by the Union as they imagined; and, I believe, this affair of the malt-tax, as it touched every man's copyhold, and was a general grievance, would be the best handle to inflame and keep up the spirit and resentment of the Scots against the Union. . . . . I took, therefore, whilst this affair of the malt-tax was depending, the opportunity of ten or twelve of the Scots Tories being met together, to tell them that I thought it was our duty to show the utmost resentment of the usage we had received, and if we made a right use of what had happened to us, it could not fail to render us very popular, and ingratiate us with our countrymen at home."—*Lockhart Papers*, i. p. 418.

The Jacobites knew that the state of the Highlands made the chances of their master being king of Scotland much stronger than those of his being king of England. Their first hope for him, therefore, lay in the repeal of the Union. All that was done for them by Queen Anne's Tory Parliament strengthened their hands, but did not tend, in the slightest degree, to reconcile them to England. To this standing mass of disaffection, every step that had been taken since the Union added new elements, and broadened that sense of disaffection which made Scotland the field of so many sad events in the subsequent reigns.

The latest parliamentary contest in which Scottish interests came prominently forward, appeared to involve no less a result than the dissolution of the Union. But this, advocated though it was by those in whose honesty and worth the best of Scotsmen placed a high reliance, can only have been intended as a startling method of showing that Scotland did not receive that consideration from the British Parliament which she ought to receive. The source of this movement was of a kind which, however insignificant it seems in detail, is ever large and formidable in its collective operation—the imposition of a tax of 6d. per bushel on malt. It was maintained that the tax would not only be oppressive to Scotland, but would introduce new fiscal outrages on the habits of the country, in addition to those already inflicted; while an effort was made to show that it infringed the Union, founded on an equivocal condition in the fourteenth article of the treaty, that Scotland should not be subject to a malt-tax during the existing war. A sort of compromising view was thrown out from the ministerial bench, that though it was necessary on principle to bring Scotland under the tax, that part of the empire might be passed over in its collection; and, indeed, this was the policy afterwards followed, so that the contest

did not pass northwards until the duty was partially [redacted] ten years afterwards. In the meantime, however, the Scottish members fought the battle of exemption vigorously in Parliament, and were angry in their defeat, for the third reading was carried by 197 to 52.

Being a supply bill, it was not to be directly fought in the House of Lords, but its justice was debated under a motion by Lord Findlater, on a bill to dissolve the Union, brought in after several meetings of the Scottish members had been held. Its most marked supporters were the Duke of Argyle and his brother, Lord Ilay; and as no men were more zealous for a united government under the house of Hanover, it is not unlikely that they expected, in the heat of this contest, to bring out some of the views of the Jacobite party. Indeed, a few references made by Argyle to the exiled house, were evidently directed to some other object than the question before the House. The usual argument, which will ever be used against dissolving legislative unions, was employed on this occasion: The thing, if desirable, was impracticable. The country might be broken in two; but the original elements, which had come together, could no more be disintegrated and separated into their orginal parts by an act of Parliament, than elements in chemical combination could be dissolved by manipulation. The House did not, however, muster largely on the occasion, and the most remarkable feature in the contest was the closeness of the division. In fact, the numbers present were equal—54 on either side; and the motion was lost by a majority of 3 on the proxies, which stood 13 for repealing the Union, and 17 against it.*

The question, how far the Queen and her immediate advisers desired to make a path for the son of her exiled father to reach the throne, is not a merely Scottish

* Parl. Hist., vi., 1213–1221.

question, but belongs to the larger field of British history. An incident, however, has been connected with the larger question, on which the Scots could not fail to feel a peculiar interest belonging to their own national household. The Duke of Hamilton was to be ambassador to Paris, and it was maintained that one whose history was so associated with Jacobitism, could have been selected with no other view than an arrangement for bringing over the heir of the house of Stewart. The tragic fate of the ambassador cut off the design, if it had been contemplated, but by no means shut the question of the original intention. He who had so often distressed his friends by his vacillating timidity, fell in a single combat memorable for its relentless ferocity. The quarrel arose out of a patrimonial question with Lord Mahon, who was the challenger. Both the combatants were killed. It was maintained that it was no mere ordeal of single combat, but a design by the Whigs to put the Duke of Hamilton to death; and it was maintained that MacArtney, Lord Mahon's second, had stabbed the Duke after Lord Mahon was slain. MacArtney, whether he was guilty or not, took to flight. It must be admitted that he had little chance of a fair trial, and the question lies with its fellows, deposited in the great heap of historical and judicial mysteries.

Of the political condition of Scotland at the great crisis of Queen Anne's death, it will be more in place to speak, in the next chapter, in connection with the accession of the house of Hanover, and the Jacobite insurrection. She died on the 1st of August 1714. Though her reign had been propitious in bringing to Scotland the greatest public blessing which its history has to record, she had seen little of its benignant influence; nor indeed had her intercourse with the country of her ancestors partaken of an encouraging character. Her one great principle was a devotion to the Church of

England, and it had been her fate to find that in Scotenforce could scarcely shelter its adherents without incurring misconception and reproach. She had nothing in her own nature calculated to make the people of the north love her. And yet, as a descendant of the race who had gone from their own humble throne to rule the great empire of England, there passed across the minds, even of those who had least sympathy in her opinions and conduct, a shade of reflective sorrow, when the last Stewart whom it was consistent with principle to acknowledge, dropped from the throne, and left it to an unknown stranger.

CHAPTER XV.

Accession of George I.—His Misunderstanding of British Parties—External Quietness of Scotland—Elements of Disturbance—The Earl of Mar—His Perfidy—His Journey to Scotland—The Gathering—Death of Louis XIV., and its Effects—Geographical Analysis of the Jacobites—Preparations for Defence—The Cameronians—The Members of the Church of Scotland—The general zeal for the Hanover interest—Offers of Armed Force—Argyle—Legend of an Attempt on Edinburgh Castle—Foreign Preparations—Early Incidents of the War—The MacGregor's and the Loch-Lomond Expedition—Mar's Commission.

At the accession of George I., the political elements in Scotland augured no spontaneous outbreak, and they might have remained calm had they not been disturbed from without. The order of the Lords of the Regency to proclaim King George, arrived at Edinburgh on the 4th of August, at midnight, addressed to the Earl of Ilay, Lord Justice-General. Next day the proclamation was made at the market-cross with great solemnity and magnificence. The day was fine; there were processions, rich in brilliant uniforms and gay liveries; troops were paraded; bonfires blazed; the bells rang; the people shouted; and over all the lesser joyful sounds boomed, now and then, the great guns of the castle.* The great Whig nobility, who seem to have been clustering round Edinburgh, gave dignity and lustre to the occasion, and the list of those who appeared at a moment's warning to join the procession, shows how large a proportion of the Scottish peerage still lingered near the ancient capital. It includes the Duke of Montrose, the

* Rae, p. 63—who says "the author was present at this great solemnity."

Marquis of Tweeddale, the Earls of Rothes, Morton, Buchan, Lauderdale, Haddington, Leven, Hyndford, Hopetoun, and Roseberry, and the Lords Belhaven, Elibank, Torphichen, Polwarth, and Balgonie.*

The party that comes out first and fullest in assemblages, whether peaceful or warlike, always appears to have the advantage in numbers and popularity; and in the gay multitudinous and noisy acclamations accompanying the proclamation, the Whigs saw the overwhelming triumph of their own party, while the silent Jacobites felt a cold and paralysing revulsion.†

Some small precautionary arrangements were made—the trifling bodies of troops dispersed in the provinces were concentrated in Edinburgh, and the fortifications of the Castle were increased by a drawbridge and moat. A number of half-pay officers, selected chiefly from the Scottish regiments, were directed, under General Weightman, to be ready to head the local volunteers or other troops who might be enrolled for the defence of the government. The prevailing calm was occasionally interrupted by rumours of the marching of armed men from the interior Highlands towards the passes, or the gathering of assemblages of Jacobites; but those who met finding themselves isolated in small bodies, timeously dispersed to their homes. Near Inverlochy a small party appeared in arms, but dispersed without fighting,

* Rae, p. 62.

† In the words of an eye-witness, "The Jacobite party were so confounded at this surprising turn of providence, that they durst not move a tongue against it in public. Some of them in their private whisperings, advised others to silence, telling them that the Elector of Hanover, being now proclaimed king, it was treason to speak a word against him. Others of them affirmed, to those they thought fit to be free with, that King James would land with a foreign force in the Road of Leith, in a very short time; and some of them said plainly, that this being the only proper season for him to appear, if he came not then, they would look on him as an imposter ever after that. This was some of their private jargon at Edinburgh that night." —*Rae*, p. 63.

when threatened by a detachment from Fort-William. Within doors, there was, of course, much noisy convivial ebullition of Jacobite feeling, and many deep goblets were drained to "the King over the water." In some instances these convivial manifestations were, in the excitement and hilarity of the moment, obtruded on public notice; and a party of young men were tried by the Court of Justiciary, and fined L.50 each, for having distributed the contents of a stoup of liquor on the High Street of Edinburgh, and drunk the Pretender's health, accompanied with music and dancing.* It became frequent with these noisy bacchanalians, when their convivial parties were sufficiently large, to sally forth into the streets at midnight, and proclaim King James VIII., a practice which sorely vexed the sober and sleepy Whig burgesses, but in itself augured little danger. On occasions of public amusement, when the gentlemen of a Jacobite neighbourhood came together, much political excitement mingled itself with the other appropriate exhilarations. Thus at Lochmaben, the gentlemen of Dumfries-shire proclaimed "King James VIII.," to a considerable multitude assembled by the attractions of a horse-race. The conduct of those great landowners, who were notoriously Jacobite, was, of course, pretty accurately watched by the government, which, in some instances, had recourse to precautionary coercion, at other times employed a sort of friendly dictation, requiring them to keep their motions within sight of the law if they desired to avoid its coercive interference. Thus one or two Highland chiefs, including MacDonald of Sleat, were made prisoners, charged with intrigues against the government; while the Duke of Gordon was required to remain in Edinburgh, and Lord Seaforth in his own castle.† Lord Drummond,

* State Trials, xvii., p. 1.

† So it is stated, but in a rather confused shape, in Rae's "Narrative," p. 77.

on an attempt being made to arrest him, escaped. Lockhart of Carnwath, with whom we have already had ample acquaintance, was arrested, and bailed more than once, and by his own account was very accommodating in his endeavours to live wherever and in what manner the government desired him.*

The crafty old Earl of Breadalbane, feeling that, whenever suspicion was alive, *he* would naturally be its object, retired to one of his mountain fastnesses, whence, while it appears to have been considered impracticable to dislodge him, precautions were taken against his escaping, by parties being stationed at the neighbouring passes.

A singular incident occurred during the proclamation of George I. at Glasgow. A small detachment of the crowd present on the occasion, proceeded to the church of an Episcopal clergyman where the English liturgy was used, and tore it down. The perpetrators had dispersed and disappeared ere the authorities could reach the spot, and were never discovered, though the matter was brought before the Lords of the Regency, who specially instructed the Lord-Advocate to pursue a strict inquiry as to this outrage, of a kind which had, for some years past, been frequently scandalous in the west. The Jacobites naturally referred to the incident as an illustration of the insubordinate intolerance of the Hanoverian party; but it was remarked, among the other singular circumstances attending the occurrence, that the clergyman, Mr Cockburn, had retired the day previously with his family and effects to Edinburgh, as if desirous, not only to secure his safety, but to avoid witnessing the scene he anticipated; and there were not wanting those who inferred that the incident was arranged and carried out for the purpose of casting scandal on the government party.

The first substantial symptoms of danger appeared in

* Lockhart Papers, i., p. 491.

the form of disaffection to the Union, and were the fruit of the unhappy legislation of the past eight years. But, as of old, when the Presbyterians saw that they were doing the work of the common enemy, they abandoned their grievance. Addresses for the dissolution of the Union, and resolutions not to vote for any other than repeal members, made progress among the Whigs and Presbyterians, until they discovered that the Jacobites were far more earnest and united in the advocacy of this policy than themselves, when their suspicions were roused, and they postponed the question of repeal to a united effort against the common enemy.* The Scottish elections for the Parliament which met on 17th March 1715, thus showed a large majority in favour of the Hanover succession; while the sixteen peers selected by the government, of whom the Duke of Argyle brought a list from London, were all accepted and returned by the Scottish lords.†

In the church the same question appeared at first, from causes which have been abundantly considered, as a stumbling-block. The Toleration and Patronage Acts were adduced as virtual breaches of the spirit and terms of the treaty, showing that so long as it subsisted Scotland, the weaker country, would be at the mercy of England and its episcopal hierarchy. But these difficulties were at once neutralised by a strong zeal for the Hanover succession. At the sitting of the General Assembly, in May 1715, though there was a formal testimony on the grievances of the church, the most conspicuous proceeding was a confirmation of the deposition of two northern clergymen, who had failed to observe the

* Tindal, ii., p. 412.

† Tindal (ii. 416) finds it difficult to account for Lord Belhaven, the opponent of the Union, having been on the government list; but his difficulty arises in a mistake. That Lord Belhaven did not long survive the measure from which he predicted so many calamities, and died in the year 1708.

injunction of the church to keep the 20th of January as a day of thanksgiving for his Majesty's accession, and had not prayed for the King by name.*

On the whole, the spirit of Jacobitism throughout the country was feeble and scattered. There appeared few symptoms of any formidable internal convulsion, and it might have been rationally predicted that unless the elements were stirred up from without, the second and all subsequent years of George's reign would be as peaceful as the first.

The motives of those who resolved to break in upon this peaceful adjustment of the Revolution succession, will ever be matter of dispute, both in the leading party principles and the conduct of individual men. Ostensibly, the contest lay between parliamentary succession and the divine right of legitimacy. The one called the allegiance of the free people of Britain to that adjustment by their representatives which gave the strongest sanctions for the preservation and progress of the constitution—the other, founding on the doctrines which the canonists and civilians had drawn from the deification of the Roman emperors, maintained that there was one King as there was one God, and the denial of his right was treason and blasphemy.

Solemn appeals to abjure treason and return to duty, were not wanting. The Dukes of Marlborough and Argyle, with several other persons of distinction, were one morning startled, and probably a little amused, by receiving through the French post a document superscribed James R., and dated Plombiers, 29th March 1714 (N.S.). This was a manifesto or protestation of the unalterable principles of divine right, and "the sacred and fundamental constitution" of "hereditary right, which has still prevailed against all usurpations, how suc-

* Index to Unprinted Acts of Assembly.

cessful and how long time however continued." It contained the avowal, "that we shall not think ourselves answerable before God and man, for the pernicious consequences which this usurpation of our crown may draw on our subjects and all Christendom." Its general purport is such as might be anticipated of such a document, and possesses little interest, with the one exception of this reference to the late Queen,—"of whose good intentions towards us we could not for some time past well doubt; and this was the reason we then sat still, expecting the good effects thereof, which were unfortunately prevented by her deplorable death;" words full of doubtful meaning, probably intended to create perplexity, and certainly capable of being construed, along with other things, in a sense unfavourable to the character of the men who surrounded the Queen in her later years. It was a suspicious age, conspicuous for lampoons and forgeries; and even this document underwent some suspicion of being concocted to throw odium on Queen Anne's ministry, until its genuineness was acknowledged by the ambassador of the Duke of Lorrain.*

Thus the appeal, while proclaiming certain immortal principles of divine right, imported a hint of the baser elements at work in the minds of selfish, factious, unscrupulous statesmen, who, careless alike of the subtle principles of the canonists, or of the constitutional prospects of the people, looked with greedy, calculating eyes to the progress of the political game, and, like great gamblers, were prepared, at any moment, to throw their stakes with selfish recklessness.

Whatever doubts may shroud the motives of others, those of the great head of the enterprise have been fully expounded by his own acts and sayings, and shown to be the basest that can actuate a public man—greed of

* Tindal, iii. p. 413.

place, power, and emolument, mortified ambition, and revenge. While George was waiting in Holland, preparing to pass over and take possession of the majestic throne that had been reserved for him, he received a letter from the Earl of Mar, clothed in the most expressive terms of loyalty and devotion,—such a letter as one may write in the consciousness that to those who know him, his integrity is beyond all question, and that it is only to satisfy those who have not this advantage that he condescends to refute the calumnies of the malicious. He said—"Your Majesty shall ever find me as faithful and dutiful a subject and servant, as ever any of my family have been to the crown, or as I have been to my late mistress the Queen;" and begging his Majesty not to believe any misrepresentation, which nothing but party hatred and his zeal for the interest of the crown have occasioned, he hoped he might presume to lay claim to royal favour and protection, and concluded with the words—"As your accession to the crown hath been quiet and peaceable, may your Majesty's reign be long and prosperous: and that your people may soon have the happiness and satisfaction of your presence among them, is the earnest and fervent wishes of him who is, with the humblest duty and respect, your Majesty's most faithful, most dutiful, and most obedient subject."*

* The authenticity of this document does not appear to have been ever questioned. In the "Annals of King George," p. 22, it is preceded by the remark—"Which letter, because it was so contrary to his subsequent proceedings, his Majesty thought proper to suffer it to be made public." May it be supposed that the shape of its being so made public is to be found in a curious little pamphlet, called "A Letter from the Earl of Mar to the King, before His Majesty's arrival in England, with some Remarks on my Lord's subsequent Conduct; by Sir Richard Steele, 1715"? Of Mar's letter it is there said—"I have the original in my custody, where it may be perused by any one who has the curiosity to see it." Steele says—"It gives me a lively sense of the hardships of civil war, wherein all the sacred and most intimate obligations between man and man are to be torn asunder, when I cannot without pain represent to myself the behaviour of Lord Mar, with whom I had not ever the honour of any farther commerce than the pleasure

But the unscrupulous courtier was not content to give to the new government his own mere personal adherence, and be countenanced according to its value. He desired to appear as one who had far wider powers, whether for friendship or for enmity, than any other peer or chief in the united kingdom; and, to sustain him in this position, he held in his hands a document by which a large body of the Highland chiefs empowered him to lay their homage at the feet of the new Sovereign, to assure his Majesty of their desire to be faithful subjects of the Hanover settlement, and to favour them with his statesmanlike counsel how best they might fulfil the duty of good subjects.* The names attached to this document represented a considerable surface of territory in the north Highlands, including the MacDonalds of Glengarry and Keppoch, MacPherson of Cluny, Sir Donald MacDonald, Lochiel, MacLean, Grant of Glenmoriston, the laird of MacIntosh, and MacKenzie of Fraserdale, who believed himself entitled to offer the allegiance of the Fraser clan.

This document was adduced after the Rebellion as an instance of the perfidy of the Highland chiefs—it is far more certainly a mark of the deep perfidy of the statesman who held what involved the fortunes and lives of so many men, the peace of the country, and the stability of the empire, as a card with which he was coldly to play his own personal game. It need not be maintained that the immediate instruments of his selfish policy were

of passing some agreeable hours at different times in his company." There follows a short, easy commentary on the state papers, in which there are some touches which would be generally accepted as in Steele's style of thought and expression. Thus, on the difference between man's duty to himself and to others—"One might desire these gentlemen to recollect, that when a man offends against temperance and the like, he hurts only his individual self, but society cannot subsist without the practice of justice."

* "We must beg leave to address your lordship, and entreat you to assure the government in our names, and that of the rest of the clans, who, by distance of place, could not be present at the signing of this letter, of our loyalty to his sacred Majesty King George; and we do hereby declare to

models of patriarchal simplicity and "ancient faith that knows no guile." They were rough-handed men, and somewhat unscrupulous, whether in their feuds among each other, or their political partisanships. But in their plots and hostilities they were followers of the instinct of their nature and the custom of their district. Some of them had seen London, many of them had paraded along the High Street of Edinburgh, but their home was among their fighting clansmen, their element any war or conflict that fate turned up in their vicinity. It was not for them to appreciate the terrors of civil war among a people far advanced in civilisation, and living in a complex social system. They were little acquainted with their own weakness in such a conflict,—little prepared for the terrible vengeance that would fall on them when they lost. But all this the accomplished courtier, the ex-secretary of state, the friend of Bolingbroke, Wortley, and Pope, knew well; and knowing it all, he risked it all, and at once put to his own selfish uses, men who looked to him as a guide and director through crooked and dangerous political paths.

It is generally stated that a loyal address, in the spirit of the letter to Mar, was prepared by his brother, Erskine of Grange, and signed by the chiefs, to be presented by Mar to King George; but that the new monarch refused to receive a document which he believed to have been drawn up at the exiled court.* This address, if it ever

your lordship, that, as we were always ready to follow your directions in serving Queen Anne, so we will be now equally forward to concur with your lordship in faithfully serving King George. And we entreat your lordship would advise us how we may best offer our duty to his Majesty upon his coming over to Britain; and on all occasions we will beg to receive your counsel and direction how we may be most useful to his royal government." This, like Mar's letter, is to be found in the "Annals of King George." It does not appear to have obtained publicity until after the rebellion had broken out. It is reprinted in Rae, p. 87; "Collection of Original Letters," etc., p. 5.

* See Scott's "Tales of a Grandfather," chap. xvi.

existed, probably suffered in the common disaster of the general effort by the Tory party to gain the confidence of the new King. It naturally fell to their leaders, who were the actual ministers of the crown, to take precedence in the reception of the royal stranger; and it was arranged that they should be attended by their parliamentary supporters in a compact phalanx, so that, in his first act of state ceremony, his Majesty might be at once impressed both with the loyalty and the strength of the party whom he had been taught to treat as his enemies. But the fatality which seemed then to haunt all the great projects of the Jacobites, disorganised this petty scheme. When they were assembled at Greenwich, waiting the ascent of the royal barge, notice was brought to them that the King would land in a quarter of an hour; that the approaches were already crowded; that any collective operation was impossible; and that every person who desired to be present, must trust to his own individual efforts. The King, stepping ashore, and walking to his palace, was courteous to all whom he so encountered—to Jacobites, Tories, and Whigs, along with many who would have found it difficult to have been formally presented at any court; and having suffered, for a considerable period, the operation of hand-kissing, proclaimed himself tired, and cut off farther access for the evening. Next morning, Lord Townshend instructed the Duke of Ormond that the king had no farther occasion for his services as captain-general;* and thus was war proclaimed against his party. The first step was promptly followed by a sweeping dismissal, and a partial impeachment.

Few are now disposed to doubt that the first prince of the house of Hanover commenced his reign in a spirit and practice so much at variance with the constitution,

* Rae, p. 90.

that the responsible advisers, who allowed him to follow it out, were deeply culpable. Of the privileges and character of a legitimate constitutional opposition, he knew nothing; and prepared, as he must have been, to meet a free people, he brought with him an unhappy ingredient of the despot's principle, that those who decline to be counted among his supporters are his enemies, and that all opposition is rebellion or treason. It is true that the hearts of these men were with a rival dynasty; but a constitutional government is justly jealous of measures calculated to stamp its unwilling or discontented citizens with the brand of enmity, and wise and humane statesmen should have remembered how much adaptability there may be in apparently heterogeneous and discordant human elements, capable of bringing them to insensible assimilation with a fixed, peaceable, and firm order of policy, when it incontrovertibly proves its efficacy in continuous harvests of good fruits.

Thus it must be admitted that the new government failed in the wise policy of conciliation—a failure which, though meriting censure, can no more justify the duplicity and perfidy of Mar, than an injudicious administration of criminal justice can be an excuse for any great crime.

In the sweeping change of ministry, Mar was dismissed from his office as secretary of state for Scotland, and succeeded by the Duke of Montrose. This official revolution occurred on the 24th of September 1714.* Mar lingered, however, for nearly a year around the court. Perhaps he still enjoyed hopes of returning sunshine; and it is somewhat worthy of notice that, in the year preceding the Hanover accession, he had united himself to a great Whig house, by marrying Lady Frances Pierrepoint, second daughter of the Duke of Kingston,

* Salmon's Chronological Historian.

and sister of the more renowned Lady Mary Wortley Montague.* We may be certain that a man of Mar's temper and opinions calculated on political advantages from this union: we may take it indeed as the indication of a steady purpose to seek his fortune in the prospects of the Whig party, from which he was not to be easily shaken.

It is reported in the ordinary histories of the period, that on the 1st of August 1715, he attended a levee at court.† It was on the evening of the same, or of the following day, that, disguised as a humble workman, he embarked, along with Major-General Hamilton, Colonel Hay, and two servants, on the Thames, in a coal ship, on her return passage to Newcastle.‡ There he hired a vessel from a man named Spence, and entering the Firth of Forth, landed at the village of the Elie in Fifeshire. Among the numerous gentry of that county he found several friends of his cause. He soon collected a small band of retainers; and on the 17th of August passed the Tay with forty horse. In the course of his journey northwards, he issued intimations to the chiefs on whom he could rely, to join him in a great hunting party, in his forest of Mar, and had personal interviews with those whose estates lay near his route. Among the more important of those whose names are not subsequently mentioned as present at the great gathering, were Bethune of Balfour, whose house was the first he entered in Scotland, Robertson of Strowan, and Gordon of Glenbucket.§ The rapidity with which he brought together many men from the extremities of Scotland,

* See this mentioned in the introductory anecdotes to Lady M. W. Montague's works. Some allusion will be found farther on to Lady Mar and her sister, in connection with the mysterious history of Mar's sister-in-law, Lady Grange.

† See Lord Mahon's History, 3d ed., i., p. 145.

‡ Annals, etc., p. 25; Rae, p. 187.

§ See "Deposition of the Earl's Valet—Original Letters," p. 18.

over vast tracts of then roadless wilds, shows that his friends had been prepared for this arrangement. Crossing the Grampian range to his own district, he passed through his forest of Mar, and went on northwards to his chief fortalice of Kildrummie, on the banks of the Don, now a mouldering ruin, desolate as the bleak hills surrounding it, but proving by its fragments that it once boasted of an extent and magnificence more characteristic of the baronial palaces of England than of the gaunt furtive towers of the Highland chiefs. He probably reached his mansion on the 21st or 22d of August, and either spent the intermediate time in preparations there, or consulted with his follower, Farquharson of Invercauld, making preparations for the general gathering at Braemar, where, on the 26th, he met his friends.*

Circumstances previously occurring might have taught the government to suspect the concealment of some serious purpose beneath this projected display of sylvan sport. Had they been acquainted with the ways of the district, they would have known that such occasions were always characterised by the assemblage of large bands of men, united by common habits and interests, who, in such critical times, could not well come together without acting. On the occasion of a previous alarm about a rising in Scotland, a great hunting party was the precise form in which it was predicted to take place. But if the general fact happened to pass off unsuspected, no arrangement could be better devised for eluding detection in detail, since the legitimate operations of a great Highland hunting were admirably calculated to bring both the leaders and followers of the mountain districts to one point, and that remote from the haunts of men

* Annals of King George, etc., p. 25. It is there stated that he went to Kildrummie. His valet, who should be a good witness to his motions, merely says he spent eight days with Farquharson of Invercauld.—*Original Letters*, p. 18. He probably lived with him during the gathering.

and the centre of authority. From a wide area the deer and other wild animals were driven towards a focus, that the accumulated troop, rushing at a point offered for their escape, between the lines of hunters, might be marked and slain as they fled past. Thus it was quite consistent with the legitimate object of the assemblage, that the men of Athole should gather from all their quarters, and, crossing the ridges of mountains on the south and west, concentrate themselves in the valley of the Dee, where they met the men of the Braes of Angus, under Lord Southesk; the Drummonds from the intermediate districts of the Perthshire Grampians; the Breadalbane men from the far west, and the Gordons and MacKenzies from the north. Braemar was a spot well chosen to enable a large body of conspirators to conduct their operations in tranquillity. Of the few government forts which had been erected in the Highlands, none were near this spot. It was indeed separated by lofty mountain ranges from the great Highland straths which, as containing the clans most distinguished by disaffection, had chiefly attracted the alarm and attention of the revolution government. Before the Highland roads were constructed, the glen was accessible to ordinary troops only from the east, and in that direction the nearest town was Aberdeen, distant sixty miles. How far the ostensible object of the assemblage was actually followed up by a tinchel of the deer, the contemporary accounts are too much occupied with the serious business of the occasion to specify. A general council was held on the 26th of August. Tents were erected round the old castle to accommodate the followers of the chiefs. According to one who had ample means of knowing the transactions of his party, the number thus assembled amounted to but 800 men.*

* Marshall Keith's Autobiography, p. 11.

But one so well acquainted as Mar was with the statistics and resources of the Highlands, could easily calculate the unseen numerical resources of each powerful chief whose adhesion to the cause brought with him all his race. Among these appeared Tullibardine, the Duke of Athole's eldest son, whose sway began where that of the Earl of Mar ended, stretching from the southern borders of Inverness-shire to within a few miles of the gates of Perth, and towards the west, bordered by the territories of the Breadalbane Campbells, whose dubious chief was represented at the assembly by Campbell of Glenderule. Thus, two men represented a tract of country stretching from Mar's own territory to that of the great enemy of the Jacobite cause, Argyle; while interstices along the borders of these territories were represented by Lords Southesk, Stormont, Drummond, and Ogilvie. On the other side, adjoining to the northern border of the territories both of Mar and Athole, were the lands of the Gordons and their dependencies, stretching northwards to Moray. The Marquis of Huntly, son and representative of the Duke of Gordon, was present, ready if he saw fit to pledge the allegiance of the inhabitants of this district to the cause. Their neighbours, Lord Seaforth and the chief of Glengarry, dividing between them the empire of the north-western district of Inverness-shire, and western Ross, were there to throw their respective tribes, eminent for a long series of bloody feuds against each other, into the same scale, should it seem expedient. Among the others who, many of them probably with larger rent-rolls, were to be counted secondary in the relative amount of their following, were the Lords Nithsdale and Traquair, who held estates on the border, and the Earl Marischal, then in the bloom of a youth full of future promise, which was fulfilled in spite of the early mistake of his life. He was accompanied by his neighbour as a lord of the

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eastern coast—the Earl of Errol; the Earls of Carnwath and Linlithgow; the Viscounts Kilsyth, Kenmure, and Kingston; and the Lords Rollo, Duffus, Strathallan, and Nairn, with the Lairds of Auldbar and Auchterhouse. It is stated by the annalist, that there were also present "twenty-six gentlemen of interest in the Highlands, whose names we have not had opportunity to get a list of."*

The contemporary annalists have given the terms of an address by Mar to the assembled chiefs, which seems historically suited to the occasion, and probably, on that very account, is more likely to have been invented according to the practice of old historians, than to have been reported by an ear-witness. It makes him admit, with regret, that he had been instrumental in forwarding the Union, a measure of which he had at last perceived the full enormity, desiring that his countrymen "should enjoy their ancient liberties, which were by that cursed Union delivered up into the hands of the English, whose power to enslave them farther was too great, and their design to do it daily visible." He held that the safety and honour of his friends could only be secured by joining those who, for the protection of liberty and property, had resolved to aid in the restoration of the rightful king of these realms, James VIII. He was resolved to set up his standard, and hazard his life in the cause, and they might join who chose. Appealing to prudence, he is farther said to have assured his audience of a general rising in England, and effectual co-operation from France. According to the same authorities, he stated that he possessed a military chest of L.100,000 —a startling sum to announce in Braemar. He professed to hold from his new master a commission as commander-in-chief in Scotland—a document which, however, he

* See "Annals," year ii., p. 25. But Rae, in reference to the list given by the annalist, says, he "doubts if some of them were there."—p. 189.

does not appear to have actually possessed until a month afterwards.

During their consultations, the chiefs received information of an event calculated materially to affect the prospects of whatever enterprise they might undertake —the death of Louis XIV., which had occurred on the 22d of August, the period of Mar's arrival in the centre of operations.* An event like this, so marked in its probable influence over general politics, when it falls suddenly on the undertakers of a revolutionary design, is apt to paralyse, or impart additional ardour, according to immediate circumstances. The Jacobites had, in one view, lost a zealous and a powerful friend; in the other, they were rid of an old, exhausted, unpopular dotard, bound by his own treaty to discard them; and the ambitious prince who must hold the reins for the infant monarch, would doubtless illustrate his regency with fresh enterprises, that could not but serve their cause. They were, in the meantime, in security. Numbers gave them the consciousness of strength; and unchecked communion, not unaccompanied, probably, with conviviality, inspired hope. Thus they adopted the more sanguine view of the great European event, and proceeded with their arrangements.

On the 3d of September, a consultation was held at Aboyne, a mansion of the Gordon family, twenty miles to the eastward of Braemar, and without the Highland line. Perhaps this removal of the consultation was suggested by the desire of some of the leaders to hold confidential communing uninterrupted by the multitude encamped on the hunting-ground; for we are told that the neighbouring lairds of Invercauld and Abergeldy "were at Aboyne, but were not admitted to the consultation."† There is some reason, indeed, to suppose that

* Louis died on the 1st of September, by French style.

† Deposition of Lord Mar's Valet, p. 18.

the meeting of Aboyne consisted solely of those prepared to take arms, who thus separated themselves from a considerable number of the Braemar assemblage, disposed, probably, to more cautious counsels.*

At length it was resolved to raise the banner of insurrection. The ceremony took place at Braemar, on the 6th of September; and the scarcely distinguishable ruin of an old tower, on a rocky eminence, overlooking the turbulent torrent of the Cluny, where it tosses itself into the Dee, is still pointed out as the spot so distinguished.† The ceremony was performed amid prayer and other religious solemnities;‡ but tradition and a well-known song of the period, record that a petty incident—the fall of the gilded ball at the top of the flag-staff—more than neutralised, in the Celtic mind, the influence of these propitiatory solemnities.

Considerable mystery invests the conditions under which Mar appeared as commander-in-chief of the insurgent forces in Scotland, and the extent to which he arrogated and possessed a commission, or other credential document, from the exiled court. It has been said that he produced such an authority to the assembled chiefs, and that it must have been forged. It has been said, that he had no fuller authentic authority than some letters from the Prince, which he had obtained before he had

* In his manifesto, proclaiming his appointment to command the forces, Mar mentions the assemblage at Aboyne of his Majesty's "faithful subjects and servants;" and he gives the following list of them, which may be compared with that of the leaders present at Braemar:—"The Lord Huntly, the Lord Tullibardine, the Earl Marischall, the Earl of Southesk, Glengarry from the clans, Glenderule from the Earl of Breadalbane and gentlemen of Argyleshire, Mr Patrick Lyon of Auchterhouse, the laird of Auldbar, Lieutenant-General George Hamilton, Major Gordon."—*Collection of Original Letters*, p. 15.

† The gaunt, turreted building called Braemar Castle, about a mile and a half from the spot here mentioned, must not be understood to have had any connection with these proceedings. Though of an apparently earlier style of architecture, it was erected by government after the rebellion of 1715.

‡ Deposition of the Valet, p. 19.

decided on changing masters, and which necessarily reflected the dubious and cautious tone of his own communications; while others have asserted that he had no better credential of authority than a portrait of the Prince he represented. In the very earliest documents issued by him, we find that he arrogated the chief command, as conferred on him by the Prince; while he spoke of the official oppression to which the country had been subject during the late administrations, as if unconscious that he had long been a minister of the crown, and an author of the oppressions, if there were any. In a proclamation to his own tenants of Kildrummie, calling them to join his standard, as if dubious how far the commission arrogated by him might be admitted, he may be noticed evidently endeavouring to prop its authority by something resembling a vote in its favour by the assembled chiefs.*

Another remarkable document of the same date, the 9th of September, indicates that he had issued some military orders on the 1st of that month, and consequently before the meeting at Aboyne, or the raising of the standard. The document is addressed to "the King's forces in Argyleshire," and referring to the instructions he had given them to embody themselves on "the first of this instant September." The instructions thus issued, before the insurrection had been decided on, were preparatory

* "Our rightful and natural King James VIII., by the grace of God (who is now coming to relieve us from our oppressions), having been pleased to entrust me with the direction of his affairs and the command of his forces, in this his ancient kingdom of Scotland; and some of his faithful subjects and servants, met at Aboyne—viz., the Lord Huntly, etc. [see the other names above, p. 104, *note*], and myself—having taken into our consideration his Majesty's last and late orders to us, find, that as this is now the time that he ordered us to appear openly in arms for him, so it seems to us absolutely necessary for his Majesty's service, and the relieving of our native country from all its hardships, that all his faithful and loving subjects, and lovers of their country, should, with all possible speed, put themselves into arms."—*Col. of Orig. Let.*, p. 15.

to a very bold movement, which, had it succeeded, would have been considered as judicious as bold—the seizure of the Duke of Argyle's fortified mansion of Inverary, that it might be garrisoned and kept for the Prince.*

Yet it is but justice to Mar's character to say that, in his instructions for the attack on his great enemy, he showed a certain sense of generosity or moderation. Perhaps to the polished courtier, there was something, even when he had resumed his character of a Highland chief, repulsive in the idea of burning and sacking the dwelling-house of a man with whom he often adjusted details in council or at committee, walked in the Mall, or drunk at Wills' coffee-house. He wrote to his agents on the 4th of October—a date which shows how little progress had been made in following his earlier instructions—saying that the acquisition of the castle is of increased moment from the arms deposited in it. He desires the capture to be carried out as rapidly as it can be without destruction, recommending blockade rather than storm. "I will not," he says, "begin with burning houses, so I hope you will have no occasion of doing that with the house of Inverary; and though you may threaten it, you must not put it in execution till you acquaint me, and have my return."†

Looking to the rough hands to which he had committed this service,—Drummond of Bahaldie, and Rob Roy, with his MacGregors,—it was doubly necessary to inculcate moderation. But the castle enjoyed an immunity, for which it had not to thank the enemy, in the circumstance that Rob Roy was in the Duke's pay and interest, and in perpetual communication with him.

There were others, with stronger claims on his generosity, to whom the conduct of the Earl was less considerate—his own followers. When the die was cast,

* Col. Orig. Let., p. 12.

† Ibid, p. 49.

by the raising of the standard, those neighbouring chiefs whose followers were on the spot, immediately marched southwards, by Spittal of Glenshee, on the declivity of the Grampians, and the village of Kirkmichael, in Perthshire. The others dispersed to raise their followers by persuasion or by force. The crossteric, or fiery-cross, was, as of old, sent on its ominous journey through the distant glens.* But on those whom indifference or the progress of revolution opinions had rendered deaf to the voice that of old called them to slaughter or pillage, the more vulgar pressure of intimidation and coercion was directed. Mar himself was evidently dissatisfied with the conduct of his chief territorial dependents; and he addressed to them such indignant threats as were plentifully dispersed in the affair of '45 among reluctant adherents.† It might be supposed that his tenants, conscious of the court he had been paying to King George, were confused and discon-

* It is thus described in the English reports of the trials at Liverpool, where it is said that the Highlanders declared "that they were forced into that service by a cross stick, commonly called a 'fiery-cross,' with blood on one end; and fire on the other; the person that carried it from house to house assuring them that, unless they repaired immediately to Mar's camp, that was to be their fate."—*Weekly Journal*, quoted in Rae.

† "It is a pretty thing," he tells them, "when all the Highlands of Scotland are now rising upon their king and country's account, as I have accounts from them since they were with me, and the gentlemen in most of our neighbouring Lowlands expecting us down to join them, that my men should be only refractory." "I have used," continues the indignant patriarch, "gentle means too long, and so I'll be forced to put other orders I have in execution. I have sent you inclosed an order for the lordship of Kildrummie, which you are immediately to intimate to all my vassals. If they give ready obedience, it will make some amends; and if not, ye may tell them from me that it will not be in my power to save them (were I willing) from being treated as enemies, by those who are ready soon to join me; and you may depend on it, that I will be the first to propose and order their being so. Particularly let my own tenants in Kildrummie know, that if they come not forth with their best arms, that I will send a party immediately to burn what they shall miss taking from them; and they may believe this or not only a threat, but by all that's sacred, I'll put it in execution, let my loss be what it will, that it may be example to others."—*Original Letters*, p. 14.

certed by the suddenness of his evolution, and scarcely knew on which side to give their allegiance. But a more likely interpretation of their opposition is, that their lord, who probably never had been among them, was ignorant of their nature, and, because they lived among mountains, believed them to be subject to the same influences with the Highland tribes, though they were chiefly, like the inhabitants of a great part of the eastern slope of the Grampians, people of Lowland origin, who spoke the English language with the northern accent.

While the gathering of the men proceeded, the accession of James VIII. was proclaimed by the more conspicuous of the leaders, at the market-crosses of the northern towns, and at several other places. This service was performed at Aberdeen by the Earl Marischal; at Dundee, by one bearing the appropriate title, Graham of Claverhouse; at Montrose, by the Earl of Southesk; at Perth, by Colonel Balfour; and at Brechin, by Lord Panmure—an important accession to the cause, who brought with him the district stretching from the low country of Forfar up to the Braes of Angus, where it touched the territories of Tullibardine on the one hand, and of Mar on the other. Brigadier MacIntosh of Borlam was deputed to make the proclamation in Inverness, and he took advantage of this opportunity to perform a more important service. The strong Castle of Inverness, standing on a mound commanding the town on one side, and the bridge across the rapid Ness on the other, he found unoccupied, and he immediately garrisoned it with 500 men. Thus easily did the rebels obtain the *tete de pont* between the Ross and Sutherland Highlands and the east coast, an acquisition rendered the more important, as it might afford the means of bridling the powerful Earl of Sutherland, who was inimical to their cause. How the acquisition was lost, nearly as easily as it had been gained, we shall hereafter find.

It is now necessary to look to the preparations made by the government against the coming and imminent danger. In the first statute bearing the title of George I., Parliament provided for the payment of a reward of L.100,000, previously voted, to any one who should secure the Pretender on his attempting to land in Britain. The reward offered by the late Tory ministry of Queen Anne was L.5000, and the difference is referred to in the act, evidently that it may stand as a measure of the superior zeal of the loyal Parliament.* On the 16th of July 1715, the Commons addressed the Crown on the necessity of putting into immediate and vigorous execution the laws against persons concerned in "rebellious and tumultuous riots and disorders;" the removal of disaffected magistrates, and the compensation of sufferers by riot or outrage. After a general answer to this address on the 20th, the King attended at the House of Peers, where he delivered a speech, calling on Parliament to make provision so "as not to leave the nation, under a rebellion actually begun at home, and threatened with an invasion from abroad, in a defenceless condition." On the same day, he gave the royal assent to the Riot Act—still in existence with some late and slight alterations, as a material part of our constitutional law.† It provides a form of proclamation, for the dispersal of persons assembled for disorderly purposes to the number of twelve or more, rendering them liable, on failure to obey the injunction within an hour, to the punishment of death, lately altered to transportation; while provision is made for the immunity of public officers forcibly dispersing such tumultuous assemblies. Another provision of this act, which, in a somewhat improved form, is one of the most effectual protections of indi-

* The Act is called "An Act for the better support of his Majesty's household, and of the honour and dignity of the crown of Great Britain."

† 1 Geo. I., c. 5.

vidual property against gregarious outrage at the present day, was probably suggested by the destruction of the churches and houses of dissenting clergymen by the Sacheverel mobs. It rendered the community liable to compensate the injuries so committed, and thus, founding on the ancient English constitutional principle of mutual protection and responsibility, threw around the property of an obnoxious individual an array of self-interested guardians, who, but for such a motive, might behold his blazing roof in indifferent, if not malicious, silence. In Scotland, this protection was extended to all places of worship "which are tolerated by law, and where his Majesty King George, the Prince and Princess of Wales, and their issue, are prayed for in express words," a restriction doubtless intentionally calculated to leave the nonjuring Jacobite portion of the Episcopal clergy as much at the mercy of the mob as they were before the law was passed.

On the 26th of July, it fell to the lot of Walpole, whose star was rising rapidly among the Whig statesmen, to move an address to the Crown on the state of the national defences, recommending that preparation should be made against the coming danger. The resolution was carried without a division,—the Commons heartily assuring the executive of the necessary supplies.* The government, thus fortified, proceeded to add seven thousand men to the army, in the shape of thirteen regiments of dragoons, and eight of foot.† But this was not an operation to be accomplished at once in such a country as Britain; and it was necessary in the meantime to look in the face the alarming fact, that the whole disposable force in the island only amounted to eight thousand men. As the danger chiefly dreaded was an invasion, nearly all the increasing force, as it

* Parl. Hist., vii., p. 113.

† Tindal, ii., p. 433.

became available, was distributed for the protection of the east coast of England, and in Scotland, where subsequent events showed that the real danger lay, the government added nothing to the slender military establishment which had for some time past been distributed through the country.

At the same time, one of those precautionary measures of state necessity was adopted, which are generally called the suspension of the Habeas Corpus Act.* It provided that all persons imprisoned on or after the 23d of July, at the instance of the Privy Council, for treasonable offences, should enjoy no privilege of being bailed or brought to trial until the 24th of January 1716. The suspension thus lasted for six months; and in Scotland it operated by nullifying, during that period, the act of 1701, which corresponds to the Habeas Corpus Act of England, in giving a person who is accused and imprisoned, the means of bringing the justice of his detention to the issue of a trial.

On the 30th of August—just a week before the raising of the standard at Braemar—an act was passed, from which important consequences were expected, in the belief that the privileges it attached to loyalty would operate as a negative instrument for the suppression of Jacobitism.† It is well known, that in Scotland the

* "An act to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government."

† Called "An Act for encouraging all superiors, vassals, landlords, and tenants in Scotland, who do and shall continue in their duty and loyalty to his Majesty King George; and for discouraging all superiors, vassals, landlords, and tenants there, who have been or shall be guilty of rebellious practices against his said Majesty; and for making void all fraudulent entails, tailzies, and conveyances made there, for barring or excluding the effect of forfeitures that may have been or shall be incurred there on any such account; as also for calling any suspected person or persons, whose estates or principal residence are in Scotland, to appear at Edinburgh, or where it shall be judged expedient, to find bail for their good behaviour; and for the better disarming disaffected persons in Scotland."

principle of subinfeudation, early restricted in England, remained in full force; and that, while the great vassals, barons, or freeholders, as they were sometimes called, held their domains of the crown, they were themselves the superiors over other vassals, holding of them by a like feudal tenure; while these same sub-vassals stood, in many cases, in the position also of superiors to a still subordinate grade of feudal dependents. It occurred to some ingenious lawyer, that this division of interests in the soil might be the means of reciprocal reward and punishment, by making the whole estate the prize of that party who should remain loyal while the other was a rebel. Accordingly, when a crown vassal became guilty of high treason, as a partisan of the Stewarts, the sub-vassal who held under him was immediately entitled to take his place as a direct holder of the crown, and was thus, of course, relieved of the obligations he had incurred to the deprived superior. On the other hand, when a sub-vassal rebelled, his interest in the land, instead of being forfeited to the crown, passed to his immediate superior, if he was a loyal man, who thus might come gratuitously into possession of the lands which he probably had, a few years previously, disposed of for a pecuniary consideration. A bribe was held out to tenants at will or on lease, who, when they were loyal, and held of a rebellious landlord, were entitled to retain their holdings rent-free for two years.

The great aim of judicious legislation is, so far as it is practicable, to make the reciprocal obligations and interests of the citizens of a country, operate to the general welfare and order of the community without coercion. It is here that we recognise the science of the skilled lawgiver superseding the more barbarous alternative of brute force. On such a principle, this ingenious act was devised; but there were impediments to its efficacy, which probably were not thought of in Whitehall or St

Stephens, and were not fully seen, even by the law officers of the crown in Edinburgh. In the cultivated lands of the Lothians and of Fife, legal possession and territorial dignity went together; but it was far otherwise beyond the Highland line, where the patriarchal leader of the people no more depended on the law of property than on the lord chamberlain's rules of precedence. The law's decision, that the Highland vassal should become the superior, would have no further effect than a rule from the Horse Guards, that the lieutenant in the rebel army should be captain; and as to the exemption from rent, it was a small bribe in districts where none was paid, save in the form of warlike services or special aids, raised, like parliamentary supplies, by something like a general vote of the clan. The Vassals' Act was thus a mere name in the districts where its services were chiefly needed.

In Scotland, where corruption of blood was not part of the law of high treason, and where all vested rights in persons who had not themselves been guilty, were religiously preserved, it was very often a matter of family settlement, that before the owner of an estate "went out," he devised his property, by an entail or some other convenient settlement, to a member of the family, who undertook to stay at home, or, if necessary, to give more distinct evidence of his loyalty.* To counteract such convenient adjustments, the act provided that no entails, family settlements, or gratuitous transferences of property, made subsequently to 1st August 1714, by persons afterwards convicted of high treason, could be effective.

A commission was, by the same act, given to the lords-lieutenant of counties, to search for arms in the custody of suspected persons, and take possession of them for the public service.

Another branch of the act was brought into imme-

* See this practice alluded to in chap. vii.

diate but certainly not satisfactory operation. The crown lawyers were empowered at any time between the 1st of September 1715, and the 23d of January 1716, to apply for and obtain authority from the Court of Justiciary, charging any persons who "have their estates or ordinary residence within Scotland," to appear at Edinburgh or elsewhere, and find security for their good conduct, or be subject to high penalties on failing to do so. That this part of the act was not neglected, is evident from a list of sixty-two persons—peers, extensive proprietors, and heads of families—against whom citations were issued.* They comprehend nearly all the names already mentioned in connection with this rising, and several others, among which are the Lord Wintoun, the chiefs of MacKinnon and Clanranald, and Cameron of Lochiel. By this abrupt test, wavering men were driven to take their side; and there is reason to believe that the act had more efficacy in driving men at once to take arms with the rebels, than in bringing them over to the government, as just two men of the sixty who were cited appeared and submitted;—these were Sir Alexander Erskine, the Lord Lion-King-at-Arms, and Sir Patrick Murray of Auchtertyre.*

The Earl of Breadalbane, instead of making his appearance at Edinburgh, or professedly joining the rebels, steered a middle course, and sent a pathetic certificate, signed by a physician and the clergyman of Kenmore, testifying "that John Earl of Breadalbaine, an old infirm man of fourscore years of age, is much troubled with coughs, rheums, defluctions, and other maladies and infirmities, which usually attend old age," in so far that he could not travel to Edinburgh without apparent danger of his health and life. The document is dated at Taymouth, the 19th of September 1715. There is evi-

* See the list in the Annals, p. 35.

† Rae, p. 211.

dence that the hoary clan statesman appeared next day at Mar's camp at Logierait,* thus finding an assemblage which, for the sake of his health as well as other considerations, he could more safely and agreeably visit, than the Lords of Justiciary in Edinburgh.

The Jacobites, who counted on the perversity of the ultra-Presbyterians in the west, were again doomed to disappointment. A party of the Cameronians could not omit the occasion for lifting up their testimony against the accession of an uncovenanted king in George of Hanover; but the instincts which ever kept them true to the civil cause which gave them most assurance of religious protection, again ranged them on the side of the Revolution Settlement.

The Whig and Presbyterian spirit of the south of Scotland in general, was rapidly aroused to energetic action. On the 1st of August, two associations were formed at Edinburgh, the one called "An Association of men of quality and substance," who each subscribed a specific sum in aid of the cause; and the other, of men prepared on any emergency, to "meet together, with their best horses and furniture, whether for foot or horse service, according to their abilities." The bond of the associated subscribers of funds, was drawn up with much business-like ability, and a careful eye to independent action and self-organisation. It contained the constitution of an elective directory, which, as in a joint-stock company, should make and allocate the calls on the funds subscribed, and otherwise conduct the warlike trade of this association. At the time when this assurance was subscribed, a circular intimation was issued by those who were most active in furthering its object, which, we may believe, was only transmitted to the persons likely to concur in the strong opinions expressed by

* Collection of Original Letters, pp. 20, 21.

it. The bond gave simple assurance of loyalty to the Hanover succession, and enmity to the Pretender or any foreign force in his interest; but the authors of the circular intimation, pressed more strongly and fully the opinions which roused the members to action. Civil freedom is there asserted as the first main object of their efforts. "The prize we contend for is liberty—it is essential for our happiness." "We do therefore persuade ourselves, it will be the business of every honest man to look up with a spirit, and do his utmost to defend and maintain our excellent constitution in church and state,—the sum of our present happy condition, which, by the blessing of God, nothing can make desperate but our own sloth and cowardice." Appealing to the presbyterian feeling of those whom they specially addressed, they ask—"Can we without horror remember the unparalleled cruelties we met with when a popish interest and faction had the ascendant? Can we forget the remarkable deliverance God wrought for us, in breaking the yoke of their arbitrary and tyrannical government, by the great King William, in the late glorious revolution?"* And on such grounds they say to their friends—"Court the present opportunity—get all the honest hands to it you can," so that they may boldly meet the danger, threatened "by the insurrection of a Jacobite faction, and the invasion of a Pretender to the crown, who has been educated in all the maxims of Popish bigotry and French tyranny, and now comes against us with an army of Irish cut-throats, assisted, as we have no reason to doubt, by the grand enemy to the reformed interest in Europe, who hath imbrued his hands so much in Protestant blood." This fervour excited a corresponding response, and men and money speedily poured in on the association.

* Rae, pp. 174, 179.

Even our constitutional government, well warranted by events in other nations, has a jealousy of self-constituted and self-inspired armed bodies, which are received with the less cordiality the more fervent are their protestations of friendship and service. It was whispered that the subscription of money to support an army might be construed as an infringement of the privileges of the House of Commons; and the English ministry could not, at the same time, help feeling that the strong Presbyterian spirit, by which the proposed organisation was to be supported, might render it dangerous to other interests, if it should fail in an opportunity to exhaust its zeal against a Jacobite or a French army. Accordingly, the loyal addresses of the association were answered by intimations that his Majesty had adopted means which were hoped to be sufficient for the protection of the country, and that he desired to save his loving subjects from incurring farther trouble and expense. This cold reception did not entirely extinguish the loyal enthusiasm of the south. A new obligation of association was signed, in which, without reference to the collection of money or the organisation of troops, the subscribers simply bound themselves to stand fast by and assist one another in the support of the Hanover succession. They provided themselves with arms, and, to the number of four hundred, embodied themselves in companies under officers of their own selection, which were systematically trained as "The Associate Volunteers of Edinburgh." They subsequently performed considerable services, and it was said that, had not the jealousy of the government damped the rising enthusiasm, Scotland would have sufficiently provided for her own defence against foes both internal and external. The people of Glasgow, whose vicinity to "the covetous, disaffected Highlanders," had in it a real danger more than balancing

the liability of Edinburgh to a foreign invasion, embodied a strong burgher guard, and adopted all available methods of protection. Their example was followed in Dumfries, where the young men formed themselves into a "Company of Loyal Bachelors," who, to obviate internal jealousies in the selection of commanders, were officered by married men. Very speedily, and before the insurrection began, the spirit of alarm and self-defence spread among the Whig and Presbyterian burghers of the western towns; and from the extreme south-west corner of the country, to Lanark and Hamilton, each burrow had its volunteer guard.*

The army in Scotland consisted of but four reduced regiments of foot, of 257 men each, and four regiments of dragoons, each consisting of not quite 200 men. With this meagre force, General Wightman took up his position at Stirling—a disposition happily chosen, and productive of important influence on the war. The engineering proficiency of the age had not entirely deprived the old castle on the rock of its importance as a strong fortress. Close by stood the only bridge over the Forth. Thence eastward, to where it widens into the Firth, and for many miles westward, the river, characterised in old Scottish proverbial language as "bridling the wild Highlander," is not fordable, and the only passable spots between the bridge and the Highland lochs, whence the river springs in various branches, could be easily defended by small parties. To have threaded the mountain mazes beyond the sources of the river, might have been a task for Montrose or Claverhouse; but it was one which Mar did not attempt, probably deeming that it would bring him too near to the country of the great enemy of his cause—Argyle. Thus the occupation of Stirling by this handful of troops, served completely to separate the

* Rae, p. 180.

northern insurgents from their friends in the south, and prevent the junction, into one body, of the forces that might collect in both divisions of Scotland. The government, still apprehensive that the serious part of the coming struggle would occur in England, yet found it absolutely necessary to strengthen the forces in Scotland, and added to them Stair's and Evans's regiments of dragoons—the former Scottish, and the latter Welsh—with two regiments of foot from the north of England, and other two from Ireland.* Holland was required to send over the contingent of 6000 men, stipulated by that country, in case of invasion or rebellion in Britain, and this addition was destined for service in Scotland. The Duke of Argyle, who held the official position of commander-in-chief of the forces in Scotland, was made general of the army to be embodied against the insurgents,—a selection of which the soundness could not be disputed. After Marlborough and Stair, he was the greatest British commander of his day. He was a great Whig statesman, whose heartiness in the cause, and matured judgment, gave confidence to the Scottish Whigs; and the occasion could never be forgotten by the statesmen of the Hanover settlement, when he entered the Council-room at Kensington, uninvited and unauthorised, and, confronting Bolingbroke and Shrewsbury, planted the standard of the Hanover settlement among the hesitating if not mutinous garrison. He was a great orator, after the fashion of one who seeks less to persuade or excite, than to assure by condescending blandness where he approves, or condemn with the frown of power, and high words of authoritative censure, where he is displeased. He was Argyle—

"—— the states whole thunder born to wield,
And shake alike the senate and the field."†

* Annals, p. 37.

† Another poetical tribute to the great chief is less known than the heroic

But he had another, and perhaps for the occasion more important, quality. At St James's or Edinburgh Castle, he was John Duke of Argyle, commander-in-chief of his Majesty's forces in Scotland; but at Inverary, he was MacCallum Mhor, the son of the great Callum,—the most powerful chief in the Highlands; and it was in this character, that by the rigid laws of Celtic clanship, several thousand men were bound implicitly to follow where he led, whether it were to fight for King George or King James. It gave him, at the same time, some such influence with the other chiefs as the representative of a great European power may be supposed to have on the counsels of the minor states; and while it was his rank as a Highland chief that entitled him ostensibly to interpose with advice or suggestion, the effect was much strengthened by his influence with the government as a statesman and soldier. His weight in the senate or the cabinet, was no doubt sensibly increased by his authority as a Highland potentate; but it was perhaps this same influence which, on some occasions, gave his conduct an aspect of capricious self-will and irresponsible isolated action, naturally offensive to a government acting on principles of subordination to centralised authority.

couplet. It is not so artificial, and has natural easy beauties, not often to be found in Pope's more elaborate efforts,—

VERSES LEFT ON LYING IN THE BED IN WHICH ROCHESTER HAD SLEPT AT ADDERBURY, THEN BELONGING TO THE DUKE OF ARGYLE.

"With no poetic ardour fired,
I press the bed where Wilmot lay;
That here he lived, or here expired,
Begets no numbers grave or gay.

Beneath thy roof, Argyle, are bred
Such thoughts as prompt the brave to lie
Stretched out on honour's nobler bed,
Beneath a nobler roof—the sky.

Such flames as high in patriots burn,
Yet stoop to bliss a child or wife;
And such as wicked kings may mourn,
When freedom is more dear than life."

On the 8th of September, the Duke attended the King to receive his final instructions, and next day commenced his journey to Scotland, whither he was accompanied or followed by nearly all the representative peers, and a considerable number of the Scottish members of Parliament, whose presence was considered more essential on their own estates than at St Stephens. He reached Edinburgh on the 14th, having accomplished what was then considered a pretty rapid journey. He immediately inspected the fortifications and munitions in the Castle, left instructions for its government and defence, sent such ammunition and arms as could be spared to Glasgow and Stirling, for the use of loyal volunteers, and on the 17th reached Stirling, where he reviewed his little army 1800 strong.

It became the Duke's first anxiety to reinforce this small band, rather from the loyal burgesses of the cities, or the Whig peasantry of the western Lowlands, than from his own dependents. On these he could infallibly calculate; but the yet dubious element in the strength of the government army depended on the zeal and the number of the volunteers. He wisely judged that Glasgow, then rising in commercial eminence close to his own door, and ever in friendly unison with his house in religion, in politics, and in local interests, would be the great nursery of volunteer recruits; and he had scarcely reached Edinburgh when he wrote a friendly official letter to the provost of the western metropolis, saying, that he understood the loyal town had "a considerable number of well armed men ready to serve his Majesty." He lost no time in desiring a body of 500 or 600 men to be sent to Stirling, under such officers as the corporation might think fit to intrust with the command. The loyal city, responding in earnest to this appeal, sent to Stirling a regiment of ten strong well officered companies, numbering between 600 and 700

men, who all arrived in three batallions on the 19th. Nominally commanded by their Provost, who wisely deputed the strictly military leadership to a coadjutor of considerable experience, Colonel Blackadder. They remained at garrison and field duty ten weeks. All the expenses which were not voluntarily met by themselves, were defrayed by their corporation.

In response to another suggestion from the Duke, the magistrates sent circular letters to the smaller towns, the villages, and the agricultural districts of the west, recommending that their fencible men should be embodied and concentrated in Glasgow. The first to send its complement of men was the neighbouring town, or more properly at that time village, of Paisley. On Sunday the 18th, two citizens of Glasgow had suddenly appeared at Kilmarnock, who so vividly represented the danger of the whole west country from the expected march of the Highlanders on Glasgow, that on the following morning at daybreak the people assembled, and sent a contingent of 220 men, who marched to Glasgow, followed next day by the Earl of Kilmarnock at the head of 130 of his tenantry. These are small details to those accustomed to the gigantic operations of modern warfare, but they were intimately connected with the fate of a great empire, and the addition of a few cyphers on either side, by balancing equals against equals, would not increase the relative ultimate importance of the operations. Three small garrisons of these volunteers of the west occupied posts for the protection of the Lowlands against Rob Roy's predatory clan, who, while their faith was least depended on by Mar, were of all his followers the most pernicious to the low country. The duty of one of these small parties was of great adventure and peril. They had to occupy the house of Gartartan, near the Clachan of Aberfoyle, an edifice little calculated for defence, while yet it was of great moment to keep it, not only as

standing close to the entrance of the MacGregor country, but commanding the only ford of the Forth which was not protected by Argyle's troops.*

Sir John Schaw of Greenock had a mortal enemy among the leaders of the Jacobites—the Master of Sinclair, who had killed his two brothers in ferocious attacks, which were not, even in that age, admitted to come under the protection of the laws of honour. It may have been this feud, strengthening the strong political bias of the house, that prompted Lady Schaw, in the absence of her husband, to exhort the people of Greenock to rise for the protection of "the Protestant religion, with their laws, liberties, lives, and all that was dear to them as men and Christians." She received material aid from the minister of the parish; and speedily a body, equal to two well-found companies, marched through Kilsyth to the camp of Stirling, where a detachment of them was appointed to garrison the house of Touch, an old square tower on the northern slope of the Gargunnock Hills, which, overlooking the opposite banks of the Forth and the Grampian range, was well situated for watching any attempts to pass the river. To those who remained at Greenock and the villages along the Renfrewshire coast of the Clyde, a serious and perilous duty still remained —that of guarding the coast, and intercepting any attempt by the enemy to pass over from Rob Roy's country.

Among those whom the Commander-in-chief addressed immediately on his arrival in Scotland, was Ferguson of Craigdarroch, in Dumfriesshire, who, with the aid of some of the clergymen and the landed proprietors of his county, brought together a body of the Whig peasantry, chiefly our old friends the Cameronians, from the moun-

* Rae, p. 227.

tainous regions of the western part of the county, and the upper valley of the Nith.*

The season at which the outbreak commenced, had a material influence in favour of the insurgents. It was harvest-time, when the industrious rural population of the agricultural lowlands were called to those labours without which the reward of the year's industry was lost. The same impediment did not apply to the towns; and the supply of men from the south-west was about to be reinforced by a still stronger body from the citizens of Dumfries, when, fortunately in time to abandon their march to join Argyle, they found their services demanded nearer home, by the rising of Lord Nithsdale.† The Duke of Douglas embodied 300 men in Clydesdale, the greater part of whom, from the incapacity of the commissariat department at Stirling to meet the requisites of an increased force, remained under arms on the north bank of the Clyde.‡ Lord Polwarth raised 400 men in Berwickshire, a portion of whom were marched to join Argyle, and were quartered at Linlithgow.§ The assembling of the Argyle Highlanders was first committed to Campbell of Finab, and subsequently undertaken by the Lord Ilay, brother of the Duke. Their services were still deemed too important at Inverary, to permit their junction with the army at Stirling. Nor was it the mere defence of the Duke's own mansion, or the protection of the Western Highlands, that demanded this partition. Possessed of Inverary, the rebels would have had a free passage through the Breadalbane or MacGregor country to the Western Lowlands, and it was of the utmost moment to the cause that this gate should be kept closed.

These efforts were costly and troublesome to many men, some of them wealthy, but others possessed of little,

* Rae, p. 230. † Ibid., p. 231. ‡ Ibid., p. 232. § Ibid., p. 233.

if any, superfluous means. It was part of the short-sighted policy of the day, after commotions were suppressed, and danger was over, to let grasping statesmen, who were near the centre of authority, serve themselves so amply from all the funds available for the remuneration of national services, that none remained for the rough rural leader, who, however conspicuous and important in the time of trouble, was a cypher in the day of peace and court intrigue. Hence, those who had so effectually served the government, not only remained unrewarded, but, in too many instances, failed to recover payment of the sums they had expended, or raised on their personal obligations, to meet the emergency,—a reprehensible policy, the recollection of which discouraged many loyal gentlemen at the outbreak of the next rebellion, and too well justified their misgivings, by being repeated against those whose high sense of public duty was not to be deadened by such recollections.

A single retrospective glance will now enable us to see how the local influence of the two parties stood. Taking the district south of the Forth and the Clyde—where, as at present, two-thirds, at least, of the population and wealth of the country occupied a third of its surface—the government party preponderated, except in the portions of Galloway and Nithsdale where the influence of the Lords Kenmure and Nithsdale, and their friends, held sway. In no other portions of the southern division were the Jacobites sufficiently strong to embody themselves without being overwhelmed. In the Highlands, the portion of Argyleshire belonging to the Duke and his dependents, the territories of the Caithness family in the far north, part of the MacLeod country, the district of the Grants, and subsequently the Fraser country, were the only considerable districts which supported the government. In the rest of the Highlands, Jacobitism was predominant. It is probable that, in the

Northern Lowlands of Fife, Forfar, Kincardine, Aberdeen, Banff, and Murray, the government party predominated, but not so much so as to cope with enemies materially reinforced; and, while cut off from the support of their friends in the south, they were unable to stand against the Jacobite party, backed by the accumulating forces of Mar.

Before returning to this leader and his operations, it is necessary to notice a passing incident, to which, perhaps, too much importance has been attributed—an attempt to seize Edinburgh Castle for the rebels. The project was undertaken by Lord Drummond, son of the titular Duke of Perth, who summoned to his aid a band of Highlanders from his paternal estates, to be associated with a few Edinburgh Jacobites, chiefly young lawyers and students. Without internal treachery, the attempt would have been hopeless; but a certain Ensign Arthur, who had once been quartered in the Castle, found means to seduce a sergeant and a few private men. The attack was to be made on a part of the fortress rising from a precipice on the north-west, and close to a sally-port.* The sentinel stationed there was to let down a string from the top of the wall, to which the party without were to attach a scaling rope-ladder, to be pulled up by the sentinel, and fixed with grapnels. When the party had ascended and taken possession of the Castle, they were to fire three rounds from the cannon, which, through a pre-arranged chain of beacon-lights, were to communicate the intelligence of the capture to Mar's army, then on its march from Braemar to Perth.

The chief danger from this attempt seems to have lain rather in the treachery or apathy of the deputy-governor,

* The same evidently at which the Duke of Gordon held his memorable conference with Dundee, in 1689. On the outer west wall, on the top of a craggy steep to the southward of the northern mural precipice, the outline of an arched doorway, built up, may be traced.

Lieutenant-Colonel Stewart, than in the practicability of the project. The 8th of September was fixed on for the enterprise. Arthur had communicated the project to his brother, a physician in Edinburgh, whose marked anxiety and nervous excitement, as the time came near, attracted the attention and curiosity of his wife. She extracted his secret from him, and, being a thorough Hanoverian, imparted it in an unsigned letter addressed to Sir Adam Cockburn, the lord justice-clerk. This high judicial officer immediately wrote to the deputy-governor. The letter arrived just at the closing of the gates, and it is said that Stewart scarcely noticed the intimation, and retired to rest. Whether, however, he had given instructions to such an effect, or the inferior officers had seen the necessity of acting on the emergency, the patrol made its round at an earlier hour than usual. The assailing party, in the meantime, had gathered in the Churchyard of St Cuthberts, and some of them, having clambered up the rock, were in conversation with the seduced sentinel. They had brought with them a portion of their rope-ladder, but the person having charge of the remainder had proved unpunctual. Maddened with impatience, they begged the sentinel to draw up and suspend the portion available. He complied; but, as they had probably too sure grounds for anticipating, it proved too short. While it yet hung, and the conspirators thought they had a little time still before them, the footsteps of the advancing patrol were heard, and the sentinel, dropping the ladder, gave the alarm, and pretended to fire on his confederates below. Protected by night and the shadow of the rock, the party easily fled, and it is said, that on their way they met the person who had charge of the remainder of the ladder. Twelve of the city-guard of Edinburgh, who were directed to search round the Castle rock, seized three youths, who maintained that they were accidentally

passing in that direction, and found an old Jacobite officer lying on the ground, severely bruised, who was supposed to have fallen in descending from the lower shelf of the rock.* All that was ever known of this affair, appears to have rested on mere rumour and gossip. No one was brought to trial for it in the criminal courts, and no attempt, indeed, appears to have been made to conduct an inquiry with that view. It is stated in some histories of the insurrection, that the sergeant who had agreed to aid the party was tried by court-martial, and hanged; but an annalist of the period, who is generally accurate, states that four men of the garrison, who had been under suspicion, were dismissed without trial. The deputy-governor was superseded; and this appears to have been the only punishment inflicted in connection with the attempt.

We now return to the Earl of Mar and his army. They marched through Moulin and Logierait to Dunkeld, increasing as they went, and, with large reinforcements received there, of Athole and Breadalbane Highlanders, they are said to have numbered 5000 men. On the 16th of September, a small detachment took possession of Perth, an open town, where the cause had some friends, and there the whole army, marching by degrees, took up its head quarters. As the occupation of Stirling by the Duke of Argyle checked them towards the south, so their occupation of Perth effectually stopped all communication between the government troops and the loyalists in the north, and constituted an advanced outpost from the Highlands, enabling the rebel army to overawe the Lowlands, and obtain provisions from the fertile plains of the Carse of Gowrie, and the well cultivated valleys of Strathern and Strathmore. Troops landed on the east coast, under the protection of a sufficient naval force,

* Rae, p. 198.

would have thus been the only means by which government could have thrown armed auxiliaries among the loyalists of the north; but the available marine force was, as we have seen, otherwise occupied. While Perth was thus serviceable to the rebels, it would not have afforded nearly so available a point to the Duke of Argyle as he found Stirling to be. There was no bridge over the Tay, as there was over the Forth at Stirling, giving the force in command of it the means of crossing to the enemy's territory; while, though it might have been easy to defend the whole line up to Loch Tay, it would have been impossible to guard the western passes, which were in the territories of the Breadalbane and MacGregor Highlanders.

Immediately on Mar's arrival at Perth, he received a packet from his master, borne to him, in a perilous journey through England, by James Murray, a son of Viscount Stormont, and the elder brother of him who afterwards became Lord Mansfield. We have no authentic accounts of the contents of these despatches. They were said to have contained Mar's commission; but it would appear that that document arrived at a subsequent period.* It is supposed also to have contained the patent of dukedom, which Mar is known to have possessed; but when his commission subsequently arrived, it was addressed to him as Earl of Mar. It was reported, that Murray himself was appointed secretary of state, and the intelligence he brought gave ground for vague announcements of effective succour from France, and for the statement then first circulated, that the royal exile was presently to appear in person to take possession of his ancient kingdom.†

As the funds with which Mar had commenced his undertaking could not last long, it was necessary to find

* See below, p. 137.

† Annals, p. 42.

a fuller and more permanent source of revenue. He sent a circular-letter, dated Perth, 3d October, to those who were likely to advance money to the cause, saying,—"Severals have very cheerfully lent their money towards so good a cause, and it is expected you will follow their good example." It left nothing to generalities, or the recipient's discretion, but stated the sum expected; and concluded with a gentle, but significant, hint, "Since a great many substantial and worthy men have, at this time, ventured their all in this cause, it hath been advised to use harsh means with such as withdraw from assisting in so good a cause; but the good opinion I have of your cheerful compliance in this matter, engages me to address you in this manner."* On the 4th of October, a series of orders began to be issued by him for collecting the land-tax or cess. It was fixed, in landward or country property, at 20s. sterling on every L.100 Scots of valued rent, an impost which amounted to about 30 per cent. By an ingenious distinction, the gentlemen who failed, before the 12th of October, to attend the King's standard, were subjected to double rates, so that the friends of government had to part with 60 per cent. of their revenues.† The sums payable in the shape of land-tax by the burrows, a mere nominal amount when compared with their wealth at the present day, was even then trifling. Thus, an order was issued for levying the stated contribution for Montrose, amounting to L.56, 17s. 3d.; but the commander-in-chief, finding that this was far too light a burden on the comfortable burgesses, issued, on the 11th, a requisition for a benevolence, in which he *desired* that the sum of L.500 sterling money be borrowed from particular burgesses of the town for

* Collection of Original Letters, p. 47.

† "Shall immediately proportion and raise out of their respective estates, the sum of 40s. sterling on each L.100 Scots of valued rent."—*Annals, App.* 35.

the use of the army, pledging the public credit for repayment of the loan, with interest.* "The army now here," says Mar, in a letter to one of his officers, "is on a regular foot of pay, at threepence a-day and three loaves, or that quantity of meal in place of the bread, which is fully as good as the pay of the soldiers at Stirling."† Each army had the command of a printing press, and for some time a war was carried on through this peaceful instrument more briskly than in any other form, each leader endeavouring to counteract the proclamations of the other, and assuring the people that his master was the only genuine king, and any other an impostor. In this warfare, the words of the men of King James were stronger than the words of the men of King George. Thus, Argyle having said in a proclamation for recruiting his forces,—"Whereas our gracious sovereign King George, has been pleased, for the better suppressing the present rebellion, to order and appoint two companies to be added to each regiment of foot," Mar answered, saying, "Whereas, by the laws of God, the right of blood, and the ancient constitution of these kingdoms, our sovereign lord, James the VIIIth, by the grace of God, of Scotland, England, France, and Ireland, King, Defender of the Faith, has the undoubted right to the crown of these realms;" and having seen an order "published by the commander-in-chief of the pretended king's forces in this kingdom," for enlisting recruits, he warned all the people of the sin and danger of complying with such a rebellious mandate, and threatened with penalties those who endeavoured to give effect to it.

We have few events to record while Mar was encamped at Perth: indeed, he acquired an unenviable renown for his inactivity, and neglect of the opportunities of which

* Collection of Original Letters, p. 52–69. † Ib. 51.

a bold and able commander would have taken advantage. It is possible that he may have been induced to protract his inaction by the magnificent visions of foreign aid raised by the announcements of Murray. It is certain that military preparations were in progress at Havre, St Maloe, and other places on the coast of France, on such a scale as to require the interference of Stair, the British ambassador, who reminded the Regent of the Treaty of Utrecht. If we may believe the contemporary accounts, these preparations were so extensive that they cannot have been wholly the fruit of private enterprise, but must have been aided and countenanced by the government. A minute inventory of the arms ready for shipment, shows that they would have been sufficient for 12,000 infantry and 4000 cavalry, besides twelve brass and forty iron field-pieces, and a vast store of swords and pikes, fit for distribution among the irregular bands of Highlanders.* A considerable number of volunteers were to accompany this formidable supply of arms. The French government interfering with their removal, and Admiral Byng's squadron watching the French coast, if so large a quantity of stores really were ready to be shipped, only a small quantity of them, smuggled out of the country, reached the camp at Perth. But as the whole east coast, from the Firth of Forth to the Moray Firth, was commanded by the rebels, whatever vessels passed the British cruisers could land their cargoes in safety; and thus some small supplies of weapons, without which the Highlanders would have probably been very imperfectly armed, reached the camp. Mar procured fourteen cannon, some from Dundee, others from Dunnottar, a distance of upwards of sixty miles, and with the assistance of these he made an attempt to fortify Perth.

The chief occupation of the army was in levying money

* See the inventory, Annals, p. 49; Rae, 221.

and raising recruits. About the middle of October, with the additions made by the MacIntoshes, Lord Seaforth, and the Marquis of Huntly, the whole disposable force under Mar amounted to 12,000 men, and before the battle of Sheriffmuir, it exceeded 16,000 men. Occasionally, small expeditions were sent to put down any risings in favour of the government within the district where the insurgents ruled. One expedition attracted some attention, by presenting the remarkable achievement of the capture of a vessel by means of a detachment of cavalry. The achievement was performed by that bold and unscrupulous man the Master of Sinclair; and it shows how original genius may make new paths, even in the minor operations of war. The Earl of Sutherland had proceeded to his own country, to embody his retainers, and press on the insurgents from the north. He required arms; and a considerable store, destined to supply this want, was taken from the Castle of Edinburgh, and shipped at Leith. Unable to bear up against contrary winds, and clear the Firth of Forth, the vessel was brought to anchor near the harbour of Burntisland. The position of the vessel, and the importance of her cargo, having become known in the camp at Perth, Sinclair proceeded through Fife, at the head of 400 horse, each trooper having a foot soldier mounted behind him. Travelling chiefly in the dark, they proceeded with such silence and celerity, that at midnight they reached their destination—a distance of thirty miles. The cavalry guarded the outlets of the town, while the foot soldiers, seizing some boats in the harbour, proceeded to the vessel and boarded her without loss. The contents of this, and of another smaller vessel which lay near, increased by some weapons taken in the town, furnished the rebels with about 420 complete stands of arms.

Another, but less successful, attempt by the insurgents, shows how effectually fortified places could have pro-

tected the country from the efforts of Highland troops. On the 17th of September a considerable body of the MacLeans, MacDonalds, and Camerons, made an attempt to take Fort-William by a surprise assault. They took a lieutenant and twenty men, who appear to have occupied a separate barrack at some distance; but they were baffled in their attempt on the main fortification,* and thus this small strength, only mounting a dozen twelve-pounders, and accommodating a hundred men, remained, in the very heart of the Jacobite clans, still true to that Revolution Settlement from which it had received its name.

The condition of the country during such events, rendering outrage and plunder usual occurrences, gave glorious opportunities for those broken or chiefless clans who had no responsible leaders, to follow their favourite occupation of miscellaneous plunder. Conspicuous among these were the MacGregors, who had been be-savaged by two centuries of exterminatory legislation; their northern neighbours from the tragic territory of Glencoe; and a variety of fragmentary or petty septs, not attached to any of the great chiefs ranged on the one or the other side in the conflict. They wandered about the country in bands, with no special allegiance to either party, but with a general preference for the Jacobite cause, because it was the strongest at the time, and was likewise the one to which a body of vagrant Highlanders might most legitimately profess to belong. Conspicuous among their leaders was the well-known Rob Roy. He had been a mountain-farmer, who, in his best days, had questionable dealings about cattle, but he had now become bankrupt, had committed acts of swindling, and was outlawed and driven to the hills "a broken man." Rob had no vehement political attachment, and little taste for unproductive warfare. He openly professed,

* Rae, p. 223.

while within the lines of Mar's army, attachment to the insurgent cause; but having a good understanding with Argyle, he avoided strong Jacobite manifestations, and occupied himself in the more profitable pursuit of plunder. He had under his command a band of desperadoes, who had their head-quarters in the old MacGregor country—a territory in every way convenient for his purposes, since it is in itself savage and impenetrable, and yet is close to the richest districts of the Lowlands, and the most prolific in the means of plunder.

At the commencement of October, these marauders made a general seizure of the ferry-boats and other vessels on Loch-Lomond, and brought them to Rowerdennan, in the centre of their own strongholds. Thus, like the sea-kings of old, they possessed a petty pirate fleet, with which they could ravage a considerable extent of Lowland coast, and they lost no time ere they made spoil of cattle and other desirable effects. Their Lowland neighbours, who were among the steadiest Whigs and Presbyterians, resolved to storm the piratical stronghold. Paisley furnished a hundred and twenty volunteers; and about four hundred assembled from the other western towns. They wisely took to their aid a hundred seamen, "well-hearted and well-armed," from a ship of war in the Clyde. On the 11th of October two men-of-war's boats, with three others, on which guns were mounted, were dragged up the rapid river Leven, which sweeps the waters of Loch-Lomond into the Firth of Clyde. Thus they were set afloat on the loch, and as many as the boats could hold being stowed in them, the remainder of the expedition marched by land. If the adventurers intended to give the MacGregors a good opportunity of hiding themselves, they took every means of doing so by the noisy pomp of their approach.* On

* The author of the very curious contemporary tract, "The Loch-Lomond Expedition," says, "When the pinnaces and boats being once got in within

their way they were joined by forty or fifty of the Grant Highlanders, described by the historian of the expedition, as "in their short hose and belted plaids, armed each of them with a well-fixed gun on his shoulder, a strong handsome target, with a sharp-pointed steel of about half an ell in length, screwed into the navel of it, on his left arm, a sturdy claymore by his side, and a pistol or two, with a durk and knife, in his belt"—altogether, perhaps, the most brief and distinct extant account of a Highlander in full costume. Notwithstanding the presence of these Grants, the method of the expedition was very different from that of Highland warfare. When the fleet reached Rowerdennan, there was dead silence, and no appearance of human vicinity. But people possessed of so many great guns could not resist the opportunity of displaying their terrors, so they sent a ball into a hut, whereupon the historian relates that "an old wife or two" crawled out, and scrambled up the hill. Still, excepting one or two figures seen gliding along the skyline of the distant hills, no foe was visible. To provoke a contest, the brave Paisley men and their friends mounted the rocky bank of the lake, and forming as well as they could, beat their drums for a whole hour in noisy challenge, but no enemy appeared. On their way back to their fleet, they had more good fortune than their skill entitled them to, as they found the boats which the MacGregors had captured, hauled up and concealed among the thick brushwood. Some of them were

the mouth of the loch, had spread their sails, and the men on the shore had ranged themselves in order, marching along the side of the loch, for scouring the coast, they made altogether so very fine an appearance as had never been seen in that place before, and might have gratified even a curious person. The men on the shore marched with the greatest order and alacrity—the pinnaces on the water discharging their patteraroes, and the men their small-arms, made so very dreadful a noise through the multiplied rebounding echoes of the vast mountains on both sides the loch, that perhaps there was never a more lively resemblance of thunder."

dragged into the water and made prize of—others were destroyed. The party returned in great hilarity and triumph, but the exulting account of their historian leads to the supposition that some deadly snare had been laid for them, and that they were utterly unconscious of having narrowly escaped extermination.

Thus losing their fleet, the marauders moved westward, and made the demonstrations against Inverary already referred to. Tired of pretending to fight, they dispersed into separate bands distributed through Fifeshire, and the districts of the Perthshire Lowlands best adapted for plunder. Cattle, grain, and money, were the staple objects of their transactions, which they sometimes conducted on a large scale, professing a foraging commission from Mar's army. But they frequently condescended to the more undignified resource of individual highway robbery, and many of them were very nimble in relieving stray travellers of their clothes, as many of the letters and pamphlets of the day pathetically and indignantly relate. Some portions of the costume of the period afforded little temptation to them. The coat was not objectionable, and the bonnet or cowl worn by citizen and farmer decidedly acceptable. Their chief avidity was, however, for shoes, and many are the instances where worshipful persons, such as the provost of the town or the minister of the parish, meeting some of these half-naked marauders in a casual saunter, returned home indignant and shoeless, with the assurance of having a claim on his most sacred majesty James VIII., for furnishings to his loyal troops.

On the 6th of October, Mar received despatches from France, with a distinct intimation of his King's intended journey to Scotland. He received, at the same time, what he termed his "new commission," "Given at our court of Bar le Duc, the 7th day of September 1715, and in the fourteenth year of our reign." It appointed

him to be "our general and commander-in-chief of all our forces, both by sea and land, in our ancient kingdom of Scotland," associating with him a council, of which the names are left blank in the only copy of the document known to exist.* This document exhibits that utter incapacity for carrying out, or even comprehending, constitutional principles, which, in the members of the exiled house and their immediate admirers, was as inerradicable as it was, fortunately for the country, apparent. It was natural that it should contain authority "to assemble our said forces, raise the militia, issue out orders for all suspected persons, and seizing all forts and castles, and putting garrisons in them." If a more cautious spirit had prevailed, perhaps some semblance of civil authority might have been appointed for dealing with suspected persons. But certainly the powers which follow would not have been deputed to a military commander to be enforced within the island of Great Britain, by any one acquainted with the constitution or the spirit of the people. They were "to take up in any part of our dominions what money, horses, arms, and ammunition and provisions you will think necessary for arming, mounting, and subsisting the said forces under your command, and to give receipts for the same, which we hereby promise to pay." In a foreign invader this would have been a commission to plunder and exact free quarters; but issued from the sovereign to his own people, as it professed to be, it must be inferred that the power was not to plunder or exact, but to follow up his ascertained rights as a sovereign, in requiring services and sacrifices from his people. In this view, powers appearing to combine taxation with the old offensive exaction of purvey-

* In the Mar Papers. In a letter to Captain Straiton, of 12th October, in the same collection, Mar, showing that the original had such a blank, says, —"The blank in my commission is not to be filled up unless there be an absolute necessity for it."

ance, are found conferred by the monarch, with responsibility solely to himself, on the commander of his forces.* A more acute and ingenious, if not more honest, preparer of such a document, would have shrouded the forcible exactions which no doubt were to be made by the army, under the plea of collecting arrears of cess, or in some other way enforcing what might be supposed to have been, in a constitutional and legal manner, due.†

While Mar remained inactive at Perth, a separate Jacobite organisation was in progress in the south of Scotland, and a third in England. Mar had early intelligence, both of the designs of his friends in the south of Scotland, and of the projected rising in England, and the bold project of passing southward with his whole force, either by crossing the Firth of Forth, or forcing Argyle's defences, had at least entered his mind, if it did not long dwell there. The increased naval force in the Firth, however, rendered a general passage in that direction nearly hopeless; and on the 6th of October, he received from France the intelligence that his King was expected speedily to land in the north of Scotland, where his presence, without that of his army, might be fatal to himself and his cause.‡

* Mar seems to have been advised by the sagacious Breadalbane, to take the advice of lawyers in some of his proceedings, for he says in a letter to him, "We have lawyers here with whom I advise, as your lordship recommends."—*Tindal*, p. 451.

† The original of this commission is not known to exist. There is a copy of it in the very curious collection of original documents relating to the Rebellion, possessed by Mr Gibson-Craig, who has kindly permitted the author to use them. They are here cited as "The Mar Papers." The copy of the commission contained in them appears to have been the same which Mar enclosed in his letter to Straiton, mentioned in the ensuing note.

‡ Mar says, writing to his friend Straiton, on 12th October, "I was very fond of the project of getting the passage of the whole army opened, when I wrote by Mr E—ne [probably his brother, Erskine of Grange]; but since that time, beside that of more men of war coming into the Firth, there's another thing I know since, which makes me alter my thoughts about it, at least of doing it soon, were it in my power. Mr Ogilvie of Boin

arrived here from France on the 6th, as perhaps you have heard, with my new commission, of which I send you a copy enclosed, and letters from Lord Bolingbroke; but I know you have accounts of a later date at Edinburgh, so I need say the less of them. Lord Bolingbroke tells me, that in all probability the King would land very quickly in the north of Scotland; so until we be so happy that he comes to us, or at least we hear from him again, which, by those letters I expect every day, I judge it were not prudent for me to pass the army at Leith or Queensferry were it in my power, for that would be leaving the enemy betwixt the King and us, and he might have difficulty in passing over to us, and being in danger of the enemy; but this of passing the whole army at any of these places seems not likely to be in our power."—*Mar Papers.*

CHAPTER XVI.

Project for sending Troops from Mar's army southward—Passage of the Firth of Forth by Brigadier MacIntosh—Edinburgh threatened and defended—Counter-attack on the Insurgents in Leith—Their Adventures in the march southwards—Rising in the South of Scotland—Winton—Kenmure—Nithsdale—Tragedy of Hepburn of Keith—Attempt on Dumfries—Appearance of Fraser of Lovat—The Rising in the North of England—Conjunction with the Borderers and Highlanders—Scene at Kelso—Pertinacity of the Highlanders on the Border—Foster's Generalship, and its Consequences—The March of the Army to Preston, and their Adventures by the way—Their Fate.

While impediments, external and internal, restricted the movements of the main insurgent army, Mar could not fail to see how it would serve the cause to throw a portion of his large force across the Forth to aid the smaller body gathering in the south. But to the accomplishment of this object, there were in the west the impediments already noticed, and towards the east there was the still more formidable difficulty of the broad Firth, with the English vessels of war cruizing near the shore. In this direction, however, lay the shortest route, and it was resolved that the adventure should be there made. The party destined for the purpose, consisting of 2500 men, was put under the command of MacIntosh of Borlum, called Brigadier MacIntosh, a rough handed, unscrupulous soldier, who had gained experience in all descriptions of warfare. The preliminary arrangements were ably made. The parties occupied in recruiting, collecting the cess, and keeping the country generally in subjection along the Fifeshire borders, preserved so general an aspect of restless movement along the whole

line of coast, that any concentration of activity on a particular spot was little liable to notice. The men-of-war were masters of the sea, but the insurgents were masters of the shore, and in the maritime villages, along a line of some twenty or thirty miles of coast, they seized all the available boats.* When this busy gathering of boats, and other preparations, rendered it impossible to conceal the nature of the enterprise, the English vessels were boldly invited, by an apparent concentration of boats and other craft in the neighbourhood of Burntisland, to slip their cables, wear close in, and open a fire on the fort and harbour. In the meantime, the troops intended for the expedition were brought together among the chain of small towns lining the eastern curve of Fifeshire, where the passage, from the greater width of the estuary, was naturally most difficult and dangerous. On the night of the 12th of October, the first part of the expedition set forth in open boats, and the remainder on the following night. The narratives seem to indicate that the movement was not detected until after the first detachment had crossed over, when the government vessels bore down on the second fleet of boats, and so far disturbed its passage, that one portion returned to the Fifeshire coast, and another found refuge in the Island of May,—lying nearly half-way across the mouth of the Firth. Only one boat appears to have been captured.† About 1600 men were thus landed on the

* "Account of the Progress of Alexander Robertson, with Lude's Company, in my Lord Nairn's Regiment, from Burntisland,"—in the "Mar Papers." It appears from this brief diary, describing the assemblage of boats and collection of meal, that Robertson of Strowan, the poet-chieftain, and Gordon of Glenbucket, who was a hard fighter, but no poet, were concerned together in the drudgery of purveyance.

† "On Wednesday the 12th of October, at night, some of them embarked, and others next night, in open boats, taking their course directly to the south shore of the Firth, which is there about sixteen or seventeen miles broad; his Majesty's ships in the Firth, either espying them from their topmasts, or having notice of their design, weighed anchor on the top of the

southern coast of the Forth; and the operation of landing resembled that of departing, for as their two fleets of boats had been fitted out from several small harbours along the coast of Fife, so those of them which made the passage successfully, arrived at various landing places along the other shore, between North Berwick and Gulane. Those who took refuge on the Isle of May, found their way back to the shore of Fife next day,—an occurrence showing the comparatively lax naval practice of the age, since, in later periods of marine warfare, the incident of so large a part of the expedition slipping through their hands, would have stimulated those in command at all events to cut out the boats of the refugees in the Isle, if they did not land and seize them.

The troops landed on the southern coast of the Firth, were speedily concentrated at Haddington, whence the old roads of the country would enable them, if they chose, to proceed directly to the south-western border, where the insurgents were gathering under Kenmure's banner. They had, however, now before them the more ambitious alternative of an attack on Edinburgh, before the Duke of Argyle could protect the town; and the commander-in-chief appears to have been apprehensive that they could not fail to sacrifice their destined object to so attractive a temptation.*

At Haddington, the adventurers found themselves but seventeen miles from Edinburgh, with a level country,

flood, and set sail to interrupt them; but the wind not being fair, they were not able to come time enough to prevent their passage."—*Rae*, p. 258. Lord Mar says on the 13th, "I have accounts from the coast of Fife, telling me that a thousand of the detachment embarked last night, and went with a fair wind and good weather; and that some more were to pass this day."—*Mar Papers*.

* In a letter of the 13th he says—"I wish, with all my heart, that they may have gone towards Haddington, and so on south, to meet our friends who are in arms there. In my last orders to them before they embarked, I recommended this most to them, and I am now in some pain in case they should not follow it, but march straight to Leith or Edinburgh; for by the

interrupted occasionally by morasses, but supplied with good roads, to be crossed; and, knowing that the forces of Argyle were stationed at double the distance, it was not an unnatural expectation, that, by a sudden march, they might, with the assistance of their friends, take possession of the capital. Accordingly, after waiting a day in Haddington, instead of marching southward, they turned their faces to the west. But the commencement of their expedition had been sufficient to inspire double alertness into Mr Campbell, the provost, and the loyal burgesses, who immediately posted the city-guard, the trained or burgher force liable to defend the city by feudal usage, the associate volunteers, and some new levies, in a tolerable line of defence round the assailable parts of the town. Early on the morning of Friday the 14th, the sagacious provost, revolving the chances of an attack from Haddington, despatched a swift messenger to Argyle's camp, who started just as MacIntosh began his march. The messenger reached the camp at noon; and the Duke, with a skill and promptitude equal to the emergency, headed 300 chosen dragoons, and 200 ordinary foot mounted on horses, and dashed onwards to Edinburgh. At ten o'clock at night this seasonable reinforcement entered the West Port, just as the tired pedestrian troops of MacIntosh, not yet recovered from the fatigue of their adventurous sea-voyage, had reached the spot near the eastern gate, where now stands the cavalry barrack of Piershill.* Here meeting no deputation of supporters from the city, and hearing not only of the arrival of Argyle, but of the gathering of bodies of loyal-

accounts I have, I am persuaded D. Argyle will immediately either march to Edinburgh himself, or send a considerable part of his army there; but if our people march immediately south, they will be got out of his reach before he can come up with them."—*Mar Papers*. The letter is addressed to H——y S——n, viz., Captain Straiton.

* Rae, p. 261. The author of the "Annals" states (p. 94), that the Duke arrived at two o'clock in the morning, and after MacIntosh had gone to Leith.

ists from the surrounding country, they halted, held a hurried council, and marched to Leith. There their good fortune, and probably the carelessness of the government, provided them with almost every accessory which men in their position could desire or use. They easily mastered a small town-guard, and broke open the prison, whence they released their comrades who had been seized in the passage of the Firth. They then removed a supply of brandy and other provisions from the Custom-house; but they were chiefly fortunate in finding a strong fort open and ready for their accommodation. It was a square work, with four demi-bastions, and a dry ditch, which had been built by Oliver Cromwell. The gates and minor defences had been removed, but the ramparts remained; and a few houses, which some of the citizens had built within the ramparts, "for the benefit of the air, as a summer's retreat," formed a commodious and available barrack for the invaders. The necessary artillery they obtained from the ships in the harbour; and, having barricaded the gates and assailable points with beams of wood and carts full of earth and stone, they found themselves as securely fortified as if they had been the objects of the special care of a vigilant government. From the citadel they managed, by a very simple piece of ingenuity, to send a messenger across the Firth to their commander. It consisted in merely firing a gun from the citadel after the boat conveying the messenger, who, being thus sent forth with a testimony of hostility, was supposed by the commanders of the cruisers to belong to the government cause.

On the morning of the 15th, the Duke, with 600 of the city forces added to his own detachment, proceeded to reconnoitre the fort. He first used the safe expedient of summoning the garrison, charging them to surrender under the penalty of high treason, threatening to batter

them with cannon, and assuring them that if any of his men were killed in the assault, he would give no quarter. The insurgents, conscious of security, answered through a bold-tongued Highland gentleman, "that as to surrendering, they laughed at it; and as to bringing cannon and assaulting them, they were ready for him: that they would neither take nor give any quarter with him; and if he thought he was able to force them, he might try his hand."* The Duke was unable to enforce his threat of a cannonading, for he had neither field-pieces nor artillerymen—a want, however, which a leader capable of expedients might have certainly supplied, in some shape or other, from the resources of the castle. Having made his surveys at considerable personal risk, he found that, partly by the nature of the ground, partly by the address of the insurgents, he would be flanked at every point of attack, and, coinciding with the opinion of the principal officers present, he did not think he would be justified in authorising an assault at a great sacrifice of life. He therefore marched his men back to Edinburgh; and the insurgents were, in the meantime, safe. Justly believing, however, that more effectual preparations would be made to attack them, they resolved to make a night retreat, and at nine o'clock, finding that the sky was dark and cloudy, and the tide down, they marched from their fort, along a wide expanse of wet sand and mud, where they were little likely to meet any one, and their march would be protected from distant discovery by the silence of their tread and the surrounding darkness. Their progress was diversified by some petty incidents, which, tragical in any other circumstances, were but ludicrous in connection with the marching of an army. A Highlander, observing through the darkness the figure of a horseman, challenged him in Gaelic. The man was

* Rae, p. 262.

unable to answer in, or comprehend, the language in which he was challenged, and the Highlander instantly shot him dead. He turned out to be a worshipful Lowland laird, a certain Mr Malloch of Mutrie Shields, whose name, but for this untoward incident, had little chance of reaching the nineteenth century. On the other side of Musselburgh, some false alarm prompted a part of the front line to fire, and some of the ranks in this disorderly march, who do not appear to have known how far they were in the rear, thinking the firing hostile, fired in the direction whence it came, killing a serjeant and private of their own body.*

Ere sunrise they reached Seton House, the seat of their friend the Earl of Winton, about eleven miles east of Edinburgh. This princely mansion was strongly protected both by nature and art. It consisted of several massive towers, built at different periods, connected together by strong curtains. Although not on an elevated spot, the ground around it was broken by narrow ravines, which converted the site of the castle into a species of peninsula, which was further protected by high walls. Here the Highlanders again found themselves in garrison; and they had the advantage of occupying the centre of the most fruitful district of Scotland, whence their foraging parties plentifully supplied them with provisions. On the first day of their occupation of Seton, they were threatened by a party from Edinburgh, joined by some of the Whig gentry in the neighbourhood. The garrison turned out and formed, but the two hostile bodies having confronted each other, returned to their respective quarters. This occurred on the ground made memorable by so different a scene thirty years later—the conflict of Prestonpans—and, indeed, the most remarkable feature of the whole insurrection of 1715, is the extreme unwill-

* Rae, p. 264.

ingness of either party to try the other's strength by actual hostilities. Next day the garrison were threatened with an assault from 500 troops, under Lord Rothes, but as they were without artillery, they returned without any further hostile attempt than the discharge of a few innocuous shots. Argyle had, in the meantime, found it necessary to return to Stirling, having been informed that there were motions in the enemy's camp indicating a design by Mar to move southward with his whole army. He had, in fact, made a hurried march towards the Forth, but on Argyle's approach he retreated on the village of Auchterarder, nineteen miles from Stirling, and fourteen from Perth. All the necessary preparations for a genuine march had been omitted, and it is evident that the movement was a mere feint to draw the Duke of Argyle westward, from a too near vicinity to MacIntosh's band. Indeed, Mar claimed credit for having thus counteracted the blunder of his inferior officer.

On the 18th, MacIntosh having received instructions from Mar, and intimation of the risings in the south, with an invitation to meet Forster and his band at Kelso, they next day evacuated Seton and proceeded to the border, not without some decrease in their numbers from the desertion of the Highlanders. They were followed by Wightman with a detachment from Edinburgh, who, keeping up the system of the campaign, did no more than seize a few stragglers, and take possession of Seton House, with such spoil as the Highlanders chose to leave behind them. On the 22d the Highlanders reached Kelso, and made a sort of triumphal entry into the town, along with the insurgents of the south of Scotland, who, probably out of curiosity, and some respect for their adventurous career, left their English friends, with whom we shall find that they made common cause, behind, and dashed forward to some distance northwards of the town,

to meet and escort the Highlanders.* It was observed by an eye-witness, that though the Highlanders marched with their bagpipes playing, "they made a very indifferent figure, for the rain and their long marches had extremely fatigued them, though their old brigadier, who marched at the head of them, appeared very well."†

The policy of propitiating the Protestant anti-Union party, was manifested in the choice of a commander of the Scottish branch of the southern insurgent army. Nithsdale appears to have had, in the general opinion, the prior claim, but it was deemed wiser, in the meantime, to confer the authority on Kenmure, who does not appear to have been capable of holding it in the estimation of his friends, nor, what makes him a signal exception to the other leaders of the enterprise, in his own.‡

We must now turn to the history of the rising in the south, thus aided by the detachment from the Highland army. There, as in the north, the principal support of the Jacobites came from the mountain districts. The comparatively small number dispersed through the wide Lowland basin, of which Edinburgh is the centre, acknowledged the Earl of Winton as their head, and held their meetings in his castle of Seton, amid the memorials of the departed greatness of his house. It was among his followers that the first blood was drawn in the southern insurrection, and the circumstances attending the event were peculiarly painful. It was known that Hepburn of Keith was preparing to join the Earl's stan-

* Patten, p. 21. † Ib., p. 39.

‡ "I understand," says Mar, in a letter to Forster, "that Lord Kenmure would have me to send another to take the command on him which he has. I have not many here who are fit for it that I can easily spare, but if you continue in Scotland, since Lord Kenmure desires it, I shall send one."—*Mar Papers*. "He was," says Patten, "a grave, full-aged gentleman, of a very ancient family, and he himself of extraordinary knowledge and experience in public and political business, though utterly a stranger to all military affairs; of a singular good temper, and too calm and mild to be qualified for such a post, being both plain in his dress and in his address."—P. 52.

dard, and as he was much respected by his neighbours, some of them endeavoured by a sort of gentle violence to prevent him from fulfilling his intentions by bringing him under the law which required suspected persons to find security to keep the peace. One morning, having got all in readiness for putting his foot in the stirrup, his large family were assembled at breakfast, when they were startled by the unwelcome vision of a party of the royalist volunteers, headed by two of their own intimate friends, approaching the house. Hepburn refused to surrender, called to his party to mount, and was the first to fire. It is said that he fired in the air; but whether or not he may have thus endeavoured to threaten without spilling blood, his party charged. They were met by the fire of the volunteers, and Hepburn's younger son was shot dead. In a temper little likely to disarm him of his hostility to the government, the bereaved father fled to the western border, where the general gathering was to commence.

On the same day on which this tragedy occurred, the people of Dumfries were assembled in church to celebrate the sacramental fast, when one of their magistrates there received a letter from a peasant at Lochar Bridge hill, informing him that the Jacobite gentry of the neighbourhood had formed a plan to surprise Dumfries. This, with some other like intimations from the same neighbourhood, was not deemed worthy of serious attention; but very speedily afterwards, the provost received a short letter, dated on the same 8th of October, from the Lord Justice-Clerk, intimating his sure belief that a rising was to take place, and that the capture of Dumfries was proposed as the first achievement of the insurgents. We have seen that a number of the citizens were embodied to join the government troops under Argyle. The provincial synod being then assembled in the town, the various clergymen thus brought together, became a

sort of adjutants for communicating with the fencible men in their own parishes, and thus a crowd of stout Whigs gradually flocked in from the surrounding districts and villages, with their broad bonnets and gray hose, some of them mounted on their plough-horses, others on foot. On the 11th, Lords Kenmure and Carnwath assembled a party of their followers in the neighbourhood of Lochmaben, and next day performed their first feat of hostility by seizing some arms which had been stored for a body intending to proceed to the defence of Dumfries. They then marched to Moffat, a small village among the mountains, where they had made arrangements to meet the Earl of Winton and his party.*

On the evening of the day when the town had been thrown into alarm by receiving the Lord Justice-Clerk's warning, a large square built peculiar looking man, with five followers, all armed to the teeth, entered Dumfries, and sought accommodation at the best inn. Some of the party were Highlanders, and their leader might be either a Highlander or a foreigner; he was certainly not a borderer. The suspicions raised against the party were far from being allayed, when a young member of the Athole family, who happened to be on the spot, recognised in the strange leader the deadly enemy of his house, Simon Fraser of Beaufort, the well-known Lord Lovat. A rumour immediately ran through the citizens, as a sort of partial realisation of the sudden alarm of invasion communicated to them during the day, that "the infamous Beaufort," the man who, for twelve years, had been an exile for his crimes and for his treason, was actually within the town. The magistrates could not well be blamed for taking a step, against which Lovat expressed great indignation,—placing a guard over his party; and, indeed, in the midst of the wrath

* Rae, p. 250.

expressed by a follower against this "outrage," it is not difficult to see that the party felt it to be a protection against the fury of the citizens.* Their suspicions were amply justified, for, though Lovat had betrayed the Jacobite cause on more than one occasion, yet that was the party with which his whole political history had been associated, and only some untoward accidents prevented it from being the party which he was then supporting. From the period of the plot of 1703, he had lived in France. Being under the suspicion of the Jacobite court, his motions were carefully watched by the French government, who could, notwithstanding prudence and treaties, afford their friends of the exiled house the service of protecting them against enemies within the realm of France. Lovat made every effort to reconcile himself to the court of St Germains, or of Lorrain, as it subsequently became, but in vain; and not finding reliance equal to his merits, he resolved to join their enemies. Queen Anne had died, and he was in the most critical period of his dubieties, when an ambassador from his clan proceeded to France, and attended him on his journey to Scotland, that, as the proper authority, he might decide whether the clan should fight for King George or King James. Ere he reached his native country, he had to encounter many difficulties raised by his own foul reputation, for statesmen and magistrates might well be excused if they doubted his new zeal in the constitutional cause, and had misgivings that, in enabling him to find his way northward, they would be only transferring a bold and sagacious man to the enemies of the government. When he was lurking in London, under considerable risk of being apprehended as a conspirator, he discovered that the Earl of Sutherland was starting for Scotland to head his retainers, whom he led by the

* Major Fraser's Full Account. MS. in possession of Mr Richard Gordon.

double title of their territorial superior, and lord-lieutenant of the county whence he derived his title. Lovat sought the Earl, and as chief of the clan Fraser, offered to join him in the defence of the north, representing to him the hardship of a man with intentions so favourable to the government being branded as a traitor, and compelled to hide himself from the officers of justice. He happened to be placed in such a position that, with all his ability and all his falseness, he might serve the government, but could not materially aid the rebels. His estate and honours were then in possession of the daughter and legal heiress of the previous Lord Lovat; and the accompanying territorial influence over the clan was naturally claimed by her husband, Mr MacKenzie of Fraserdale. This man had joined the rebels. He was one of Mar's followers; and his men, at least so many of them as would follow him, were then in Mar's army at Perth. It was not thought likely that Simon Fraser would be able, by his presence among the rebels, to add much to the power already thrown by his clan into that scale; but as he was the accepted head of the sept, whatever the law said of his right to the estates, if he should chance to fulfil his protestations and oaths, and actually take the government side, he would lead off the Fraser clan from the Jacobite cause. Such were the circumstances under which he obtained a pass from Lord Townshend to travel towards the north. The misfortune of his position was, that to treat him as a safe man, it was necessary that all the well-affected people with whom he came in contact should know not only his engagement to betray his old friends, but the circumstances which afforded him an inducement to keep it. Such was the character and position of the man whose ominous presence, at such a juncture, passed a thrill of alarm among the loyal citizens of Dumfries.

Lovat exhibited his credentials as a loyal subject, and

desired that they might be laid before the Marquis of Annandale, the lord-lieutenant of the county. The Marquis was then on his way from Edinburgh to Dumfries; and as Moffat lies on the direct path between the two towns, he could not accomplish his journey without some risk of encountering the enemy. Lovat had with him one of the gentlemen of his clan, a Major Fraser, who, having undertaken to convey a message to the Marquis, found him on the way, hard pressed by Kenmure and his troops. Major Fraser returned to Dumfries, and, informing the corporation authorities of the perilous position of the Lord-Lieutenant, a party was sent to escort him. After the Marquis had entered the town, and had a courteous and partly convivial meeting with Lovat, it was disturbed by a sudden rumour, that the enemy were upon them; but though it appears that a body of horse had penetrated to within a very short distance of the town, the well-prepared citizens were not actually attacked.* It is said that the insurgents entertained a full hope of taking this important place by surprise, and that the troops who approached were not a mere reconnoitring party. In the meantime, efforts were made to fortify the town, by digging ditches and raising barricades. The insurgents, who seem, however, to have been a small body, passed on to Lochmaben, about eight miles distant, where they found themselves among friends.†

* Major Fraser's account of the surprise is as follows:—"No sooner the cloth was laid on the table, a cry came to the door, that the enemy was entering the town—namely, Kenmure and his party. My Lord Lovat left dinner, and came up with the Marquis of Annandale, who stood with his whole party upon a rising ground at the end of the town. The Marquis told the Lord Lovat that he was very glad of his coming, seeing he had more skill to model his horse and foot, having been in the army. Lord Lovat and the Major were putting them in the best order they could. Countrymen were coming in from all parts, telling the enemy was coming in this way and that way. The Marquis ordered so many men, with axes, to hew down a good many trees by way of barricade. In end, they were wearied standing there, and no enemy appearing"—*Major Fraser's Narrative.*

† Rae, p. 252.

Finding that the enemy had retreated, the citizens and their muirland coadjutors, in the spirit natural to all bodies of raw troops just released from action against an immediate enemy, and with their raised excitement demanding an outlet, were anxious to become the assailants, and clamorously insisted on being led to attack the Jacobite quarters at Lochmaben. Lord Annandale, as the speediest method of getting his views circulated among the citizens and the peasantry of the neighbourhood, requested a meeting of the clergy, who were still, it would appear, congregated at the provincial synod. An address, which he is said to have delivered to them, is conspicuous for sagacity and discretion. He praised the zeal which had brought them together and fired them for immediate combat, but he would not be justified in leading them to conflict, unless in self-defence. They were yet unofficered and undisciplined. Their zeal, however great, could not supply these wants. In such a contest, the first success or failure told on the spirits and hopes of the party, greatly beyond its real value; and, lastly, they must not despise their enemy, who, being resolute men engaged in a desperate cause, and better armed and horsed than themselves, might yet get possession of Dumfries, and so proclaim themselves masters of the south of Scotland, and obtain a formidable impulse to their bad cause.* These views, circulated through the channel of the clergy, were subsequently addressed to the embodied troops, who "declared their satisfaction by general huzzas."†

On reaching Lochmaben, the insurgents raised their standard and proclaimed their king. On the 14th, they marched to Ecclefechan, forming a regiment 200 strong, divided into squadrons, respectively led by Lords Winton and Carnwath, under the general command of Lord

* Rae, p. 253. † Ibid., p. 254.

Kenmure. On reaching Hawick, it appears that, alarmed by the smallness of their force, and the general hopelessness of their undertaking, they had determined to return, and had actually marched two miles northward, when they were overtaken by a messenger, who conveyed to them information of the rising in Northumberland, and an invitation to march to Rothbury, and effect a junction with Forster's body. Proceeding immediately to Jedburgh, they received intelligence of MacIntosh's adventurous expedition across the Forth; and on the 19th reached Rothbury, where they were speedily joined by the English insurgents.

Towards the end of September, Lord Derwentwater and Mr Forster were, like several of the Scottish gentlemen who adopted their cause, driven to take a side by finding that warrants were to be executed against them. After consulting with their friends in Northumberland, they held their celebrated assemblage at Greenrig and the Waterfalls on the 6th of October, whence they marched with such armed followers as they could gather to Rothbury. They entered Morpeth on the 10th, increased to a force of 300 horsemen, preferring, as there were more horses than arms in their possession, to limit their force entirely to cavalry. Mr Forster was appointed their general, and, from an early period in the outbreak, he held an active correspondence with Mar, from whom, indeed, he appears to have obtained his commission.*

* Mar says, in a letter to his correspondent Straiton, of the 12th October, "Tom Forster tells me, in his of the 6th, that they had taken the field that day, with a hundred and sixty horse; that he had sent to the gentlemen of Lancaster, who he expected to join him, and also the gentlemen from the Scots side; that he expected two thousand foot from my camp, and five hundred horse; that the town of Newcastle had promised to open their gates to them, and that they intended to take possession of Tynemouth. They have been better than their word in coming together so soon, and I would fain hope it has been occasioned by some consort with our friends farther south, who are to join them; and that the Duke of Ormond is in England before this time, as I have reason to believe he is."—*Mar Papers.* It is stated at

A separate detachment of insurgents seized on the small fort on Holy Island, but otherwise they performed no feat of arms before joining the Scots, and of this capture they were speedily deprived. They idly threatened Newcastle, remained some time in the venerable town of Hexham, and, having concerted a meeting with their friends of the Scottish border—a few of whom had already joined them in small parties—they returned to Rothbury, where the meeting was appointed to be held on the 19th. Thence the whole body proceeded to Kelso, where a further junction was to be effected with MacIntosh's band. Some attempts by the loyalists, to fortify this place, had been abandoned.* And crossing the Tweed, with some difficulty and danger, the united force entered the town. Here, as we have just seen, they met their Highland allies, and the well fed Northumbrian horsemen saw with some surprise the Celtic children of the mountain, with their wild eyes, matted hair, gaunt wiry limbs, loose party-coloured costume, and warlike ferocity.

Next day was Sunday, and the episcopal service was performed "at the great kirk of Kelso, and not in the episcopal meeting-house." This "great kirk" was a large old Norman pile, where the English high churchmen might still suppose themselves in one of the magnificent fanes of their own country, and the Scottish nonjurors might feel, under the solemn impulses of the moment, as if their hierarchy, after thirty years of eclipse, were at last restored. The preacher on this occasion was the Rev. Robert Patten, who subsequently showed the rottenness of his own principles, if not the falsity of his cause, by the manner in which he betrayed it. He

the period of the return of the Northumbrian insurgents to England—"Here Mr Forster opened his commission to act as general in England, which had been brought him from the Earl of Mar by Mr Douglas."—*Patten*, p. 73.

* Patten, pp. 23, 39. † Ibid, p. 39.

became a witness against those with whom, proclaiming their cause that of religion and righteousness, he had united himself as a spiritual guide. He boasted of this, his treachery, as a "duty," wherein he made all the "reparation" he could "for the injury" he "had done the government," and afterwards wrote a history of the follies and misfortunes of those whom he had helped to seduce, by his religious persuasions, to their fatal career—dedicated to the victorious general, who had trampled them down.* This servant of God, whose character has fortunately been but seldom exemplified in a profession the characteristic defects of which are not so much founded on calculating selfishness, as on indiscriminating and self-sacrificing zeal, preached to the assembled army from Deut. xxi. 17, "The right of the first-born is his;" and he recorded the observation, that—"It was very agreeable to see how decently and reverently the very common Highlanders behaved, and answered the responses according to the rubric, to the shame of many who pretend to more polite breeding."†

Next day the Jacobite king was proclaimed in the market-place, in the presence of all the troops, and with as much noise and show as the trumpets, bagpipes, and banners could produce. A document was then read, called "Manifesto by the noblemen, gentlemen, and others, who dutifully appear at this time in asserting the undoubted right of their lawful sovereign, James

* It is unfortunately necessary to rely for many of the events connected with the expedition, on the narrative of this perfidious man. It is some sanction for his accuracy, that the events narrated by him were seen by many others, and his testimony must, like that of other approvers, be taken with suspicion, and guardedly relied on.

† Patten, p. 40.—The principal service of the afternoon was conducted by William Irvine, a Scottish nonjuror, who, says Patten, "told me afterwards that he had formerly preached the same sermon, in the Highlands of Scotland, to the Lord Viscount Dundee and his men, when they were in arms against King William, a little before the battle of Killicrankie."

VIII., by the grace of God King of Scotland, England, France, and Ireland, Defender of the Faith, etc., and for relieving this, his ancient kingdom, from the oppressions and grievances it lies under." It is generally asserted that this document was prepared by Mar and his followers; but it is not distinctly said that it was, on any specific occasion, adopted by them,—the first publication of it mentioned by them is at this combined meeting in Kelso; and it may be inferred from internal evidence that it was calculated to express the feelings rather of the southern, than of the Highland insurgents. It had little in its tone or spirit that the clansmen, or even their chiefs, could either understand or appreciate; and it may safely be pronounced that the Prince in whose name it was issued, not only never dreamed of conferring the constitutional remedies it professed to desire, but would have found great difficulty in understanding how their existence could be consistent with his kingly rank. It attacked the Union as the source of all evils to Scotland, skilfully cutting away the foundation for any inferences that might be offensive to their English friends, by a declaration that "it appears, by experience, so inconsistent with the rights, privileges, and interests of us and our good neighbours and fellow-subjects of England, that the continuance of it must inevitably ruin us and hurt them." The preservation of laws, liberties, and property, and exemption from foreign domination, are the main principles round which the demands expressed in this document range themselves, and it would be a natural inference, from the internal evidence of its contents, that it had been issued under such feelings of terror, from arbitrary power and foreign influence, as had instigated the conduct of the revolutionists of 1688. Nay, so strongly are the main engines of Whig popularity made use of, that it even points to the restoration of the Stewarts as the best guarantee for the safety of

the Protestant religion,—believed, by the authors of the manifesto, to be in danger.*

The document indeed appears to have been intended as an effort to rival, in Whig and Protestant principles, the "Association of Men of Quality and Substance," signed by the loyalists of Edinburgh. When the manifesto was concluded, the assemblage shouted,—"No Union, no malt-tax, no salt-tax;" and the troops returned to their quarters, having, for some days, little farther occupation than that of collecting money, searching for arms, and foraging.†

The three small armies thus brought together, amounted to about 1400 men. The differences in their outward character in some respects connected itself with the past history of the districts from which they had come. The English troopers were called "the gentlemen;" for in a country for many years blessed with internal peace, the use of arms and the idea of war were generally confined to the upper classes, who were politicians, sought the army as a profession, wore swords as distinctions of rank,

* After setting forth their desire to have their "laws, liberties, and properties secured by the Parliaments of both kingdoms," the signers of the declaration say, in continuation, "that, by the wisdom of such Parliaments, we will endeavour to have such laws enacted as shall give absolute security to us and future ages, for the Protestant religion, against all efforts of arbitrary power, popery, and all its other enemies. Nor have we any reason to be distrustful of the goodness of God, the truth and purity of our holy religion, or the known excellency of his Majesty's judgment, as not to hope that, in due time, good example and conversation with our learned divines, will remove those prejudices which we know that his education in a popish country has not riveted in his royal, discerning mind."—*Patten*, pp. 41, 49. Collection of Orig. Letters.—There is a MS. of the manifesto among the "Mar Papers," on which some one has suggested additions which appear to have been incorporated, as they are contained in the printed copies. They consist of a series of paragraphs addressed to the army, beginning "Our troops abroad, notwithstanding their long and remarkable good services, have been treated, since the peace, with neglect and contumely, as, particularly, in Holland; and it is not now the officers' long service—merit and blood they have lost—but money and favour, by which they can obtain justice in their preferment."

† Patten, pp. 49, 50.

and had the arms of their ancestors hanging in their old halls. The exceptions to this class, among the English, consisted mainly of the domestics of those gentlemen who had taken the field, and all were mounted on their high-bred racers or hunters, or the carriage horses belonging to Derwentwater and the other leaders. They consisted of five troops, commanded respectively by Charles Radcliffe, Lord Derwentwater's brother; Thomas Errington of Beaufront; John Hunter, whose followers were an exception to the rest of the body, as they were raised under a commission which he had received, but never used, for raising an independent company in the service of Queen Anne;* Robert Douglas; and Nicholas Wogan, an Irish gentleman of generous, enthusiastic character, and high spirit. The Scottish borderers were mounted on small but serviceable horses. They belonged to a district where peaceful husbandry had only during a very brief period, superseded the occupation of the reiver and cattle-lifter; and, from various exciting events, they had not long abandoned the possession and use of arms. They numbered a few stray infantry, but their horse, the principal force, were now disposed in five troops, commanded by Lords Winton and Carnwath; James Home, brother of Lord Home; Basil Hamilton of Baldown; and Lockhart, brother of the annalist, who, holding a commission as captain in the government service, was subsequently shot as a deserter. The leaders of the Highland bands, so expertly brought to a union with the English border forces, were not men of mark, with the exception of Mac-Intosh, and of Lord Charles Murray, a younger son of the Duke of Athole, who, by wearing the Highland costume, and subjecting himself to the hardships borne by his followers, had established among those wild bands

* "He was famous," says Patten, "for running uncustomed goods out of Scotland into England."—p. 62.

a popularity and influence scarcely inferior to that of their bold commander, MacIntosh.*

Having remained about five days in Kelso, the insurgent army made short marches to Jedburgh and Hawick. Their movements were wavering and undecided, for, though pressed by a force under Carpenter—of the motions of which they were so ill acquainted, that every now and then they were shaken by a panic fear, that it had fallen upon some part of their force—yet the differences of purpose and opinion, naturally arising among such discordant elements, uncontrolled by any commanding military mind, swayed them to and fro, and kept them as far as ever from any settled purpose, even when the demand for prompt action had become most imperious. Lord Winton, a dashing, bold, eccentric youth, subject to great alternations of elation and despondency, and apt to be enterprising and energetic under the one extreme, or to be indolent and powerless under the other, proposed a project which had, at least, the merit of boldness and consistency, however ineffectual it might have been to achieve the final objects of the enterprise. He recommended that they should march along the west of Scotland,—first attack and take Dumfries, an operation which he held to be easy, as the town was unfortified, and not protected by regular troops,—and then besiege Glasgow. Here, too, he confidently calculated on victory; and they might then either unite themselves with Mar, by forcing the passage of the Firth, or by circuitous marches; or they might attack Argyle's troops from the rear, while Mar engaged them in a general battle in front. The English leaders resisted this project, and insisted

* "He (Murray) had been a cornet of horse beyond sea, and had gained a mighty good character for his bravery, even temper, and graceful deportment. Upon all the marches he could never be prevailed with to ride, but kept at the head of his regiment on foot, in his Highland dress, without breeches; he would scarce accept of a horse to cross the rivers, which his men, in that season of the year, forded above mid-thigh deep in water."—*Patten.*

that the march should be towards England,—holding out the prospect of 20,000 men rising in Lancashire, and joining them on their approach.* It has been said that Forster urged forward this policy, because in England he would have the chief command, while in Scotland he was a subordinate officer. But there were deeper reasons why the representatives of the Jacobite parties in the two nations, should not unite in their war policy. The Scots desired a repeal of the Union, with the restoration of their local legislature; the English were indifferent about this object, or held it to be of small importance in comparison with the restoration of the legitimate dynasty. Now the Scots saw their two objects —a separation from England, and the restoration of their sovereign—very nearly accomplished, at least they felt that there was a much stronger chance of effecting a restoration for Scotland alone, involving in that very circumstance a separation, than for the kingdom at large; and therefore they naturally desired to see this good work accomplished before any of their energies were wasted in a more uncertain field. Nor, indeed, would they have much desired, unless for the greater safety of their country, that James VIII. should reign in England, since their old anti-union policy augured more advantage from a resident national monarch, than from participation in the privileges and enterprise of a great, free, wealthy people.

The alternative of marching into England prevailed, and whatever might have been the result of the other project, this was fatal. The Highlanders long resisted this decision, and refused to be disposed of by a council of war. To those who are acquainted with the character and habits of this curious people, their conduct will not appear inconsistent with the ready obedience and depen-

* Patten, pp. 64, 70.

dence on their leaders, shown by them on other occasions. With an instinctive aptitude for a peculiar discipline, which, in the Jacobite wars, almost instantaneously converted the free mountaineer into an orderly soldier, abandoning his alternations of irregularity and indolence,—yet there were certain innate impulses and prejudices, which no influence of force, affection, or self-interest, could induce him to abandon; and when these were attempted to be violated or removed, the docile Celt became as obstinately and unreasonably tenacious as the Hindoo about the irrefragable rules of caste, or the American Indian about warlike etiquette. A sensitive reluctance to throw their fortunes into the same lot with other people, is one of those characteristics which the southern agriculturist, or the railway contractor, will to this day find prevalent in the Highland mind, if, even in a period of the cruellest destitution, he will ask the inhabitants of the far wilds of Inverness-shire, and tho distant isles, to come to the flat country and work with Lowlanders. They lacked what is termed moral courage, to aid the physical courage of which they were undoubtedly possessed. They were more diffident of their allies than afraid of their enemies, and they would have less scrupled to march unsupported under their own patriarchal leaders, in whom they had a child-like reliance, than in union with Englishmen and Borderers. Mar, who, to his very scanty qualifications to command, seems to have added some knowledge of the Highlanders, anticipated their reluctance to cross the Border; and in a private letter to Forster, we find him combining this anticipation with suggestions for a plan of operation, more nearly resembling that suggested by Lord Winton, than the arrangement finally adopted.*

* "I am unwilling to make the supposition, and that's the reason makes me write it apart, but I thought it was fit to tell you my weak opinion, in case the Highlanders will not march into England with you, which I hope will not happen; but if it should, your marching there without them, and

One view taken of a march into England, was to fall on Carpenter by surprise, when his troops—said not to exceed 1000 men—were fatigued with harassing marches; but this project was speedily resigned in favour of another, the policy of which was to evade this hostile force, and gain three days' march by passing into western England. In execution of this design, a detachment had been forwarded to North Tynedale, when the Highlanders specified their determination not to cross the border. The marching orders were countermanded, and directions were given to proceed to Hawick; but the suspicion of the Highlanders was thoroughly roused—they deemed this change, so readily adopted, only a device to get them into English ground; and separating themselves from the army, they took their stand on a hill, saying they were ready to fight any enemy they were brought against, but they would not be led into England. Indeed they showed very alarming promptitude in fulfilling the

leaving them behind in Scotland, where they can have no way of joining me till I pass Forth, would expose them so much that they would be necessitated to submit, and that would so discredit our affairs, that it would hurt them more than the loss of double their number. I suppose, then, you would continue in Scotland till I join you, which in that case I would make more haste to do, and I believe you might, with safety to yourselves, march westward from Dumfries toward Stirling, which would not only make our junction the sooner, but you would harass and give a mighty uneasiness to the enemy, being so near them, who durst not send any considerable body against you, when we would be so near them on the other hand. The ground south of Lithgow and Falkirk is so strong that the enemy's whole army could scarce hurt you in it; but I am afraid you would not be well provided there in provisions and forage, though you have with you who can inform you of this and all the country thereabout. If you should go to Glasgow, you would be in no want of every thing necessary for you, and there I could join you soon. So I am apt to believe, for that and other reasons next to your whole army's going into England (which, indeed, I think much more preferable), this is the best course you can take. But before you get this, I hope it is out of dispute, and that you are all well advanced into England, either towards Newcastle or Lancashire, and joined by other friends who will enable you to go further."—*Mar Papers*. The letter is dated, "From the camp at Perth, October 3, 1715." It is impossible to reconcile this date with the events without supposing that October was written by mistake for November.

main function of the soldier, for, when the southern bands of cavalry surrounded them, menacing them with a compulsory submission to military discipline, they formed and presented their pieces, crying out that, if they were to be sacrificed, they would prefer to die on Scottish ground; they were far more ready to fight with, than to confide in, their allies.* Suspicious of every one, they would allow none of the Lowland leaders but Lord Winton, who had warmly contested the march into England, to approach them, and it was with some difficulty, and after arguing with them for two hours, that he persuaded them so far to place reliance on their allies, as to act in concert with them so long as they remained in Scotland. The Highlanders were true within the limits of their engagement. Being infantry, they had the duty of mounting guard; and on the night of their arrival at Hawick, seeing some cavalry patrolling in front of the line, the sentinels gave the alarm, and the whole body turned out and formed with great promptitude and decision. This, like its train of predecessors, was a false alarm; and it has been said that it was designed to try the temper of the Highlanders before an enemy.† If it was so, the duty of making the feint was one of no small danger; but it is more probable that the alarm arose out of the return of a reconnoitring party, despatched to observe the motions of General Carpenter.‡

The obstinacy of the Highlanders seems to have given a new vibration to the quivering councils of the chiefs; and a considerable detachment was sent, on the 31st, to Ecclefechan, with instructions to invest Dumfries—a

* Patten, p. 67. Tindal, p. 454. † Patten, p. 69.

‡ An officer of such a party narrates—"Upon our return, we found our army flying to their arms, mistaking us for the van of the enemy,—such little care having been taken to post sentinels and scouts."—*Journal of a Merse Officer—Lancashire Memorials*, p. 59.

project implying the momentary prevalence of Winton's scheme for a junction with Mar, by a passage through the west of Scotland; but an express was sent after the party, with orders to turn southwards towards Longtown, in Cumberland.*

In the meantime, an officer who had been despatched with a party to reconnoitre General Carpenter's force, returned saying—"I found them foraging about Jedburgh, and saw that their horses were jaded, and their foot raw and undisciplined. I came so near them that I was pursued by twelve dragoons two long miles."† This intimation justified Kenmure in having recourse to another council of war, where opinions were as much divided as ever. MacIntosh, who was a practical man, and had seen abundance of savage fighting, became disgusted with all these councils and cross-marches. He heard that there was an enemy near, and called on them to stop their consultations, and fight him off-hand,—a proposal which only made his more deliberate allies say that he saw nothing before him but starving or hanging.‡ In the end, we are told that "the council could come to no resolution, excepting only that the army should march; but they did not determine to what place."§ At length accident, the great master of events among feeble councillors, settled this great question. They had proceeded two miles from Langholm on their dubious journey, when they met Lord Widdrington and some friends, who had come hot from Lancashire, to pray that they would make their appearance there, and become

* Patten says of the west of Scotland project—"Here they might have received succours from France and from Ireland, no men-of-war being in all those seas at that time. In a word, nothing could be a greater token of a complete infatuation, that Heaven confounded all their devices, and that their destruction was to be of their own working, than their omitting such an opportunity of fixing themselves past the possibility of being attacked."—p. 70.

† Journal of a Merse Officer, p. 60. ‡ Ibid., p. 61. § Ibid., p. 61.

the gathering point of the twenty thousand men, who were prepared to leap to their saddles when the moment for rising was proclaimed. This settled the preponderance of the fluctuating councils, in the direction of the project of outmarching the government troops; and orders were given to proceed in the direction of Carlisle, and recall the detachment sent forward to Dumfries.

The Highlanders, still true to their stagnant principles, refused obedience. Their leader, MacIntosh, who had no prejudice against active service wherever it could be obtained, endeavoured, with all his eloquence and authority, to prevent their desertion, and by one who was sent from the army to know their final determination, he was found standing in the middle of the river Esk, endeavouring to stop them in their attempts to march northward, and heard emphatically cursing the obstinacy of the mountaineers, and exclaiming, with true professional zest, "Why the devil not go into England, where there is both meat, men, and money? Those who are deserting us are but the rascality of my men."*

Pecuniary negotiations were now commenced, and they were offered sixpence a-day of regular pay—reasonable remuneration at that period to ordinary troops, but to the wild children of the mountain a glittering bribe, which the most steady obstinacy would alone resist. It was partly effective. Five hundred of them separated from the army, dispersing themselves among the Dumfriesshire hills, to find their way home, should they be so fortunate as to escape capture by the enemy, while the remainder reluctantly joined in the march to England.† Lord Winton, yielding for a moment to feelings of mortification and disgust, drew off his followers, and refused to cross the border; but soon his hasty, variable mind returned to a better sense of consistency, and, still

* Journal of a Merse Officer, p. 63. † Patten, p. 72.

protesting that the army was marching to destruction, he cast in his lot with the rest, and heroically agreed to take his share in the common calamity. Having spiked the few field-pieces in their possession, the army, after a hard day's march, reached Longtown, on the English side of the border, a few miles north of Carlisle.*

On the 31st, after a tedious march, both departments of the insurgent army reached Longtown, and next day they marched to Brampton,—the uncertainty of their movements fully protecting them from discovery by General Carpenter, who heard one day that they were in full march to the north-west, and next day that they had passed him, and had penetrated so far into England that he lost, for the time, all trace of their destination. They were now under the chief command of Forster, who, even in England, had no other commission but what he held from the Earl of Mar.† On the 2d of November, they reached Penrith, where they were confronted and opposed by the *posse comitatus* of the county, with Lord Lonsdale and the Bishop of Carlisle at their head. The numbers who assembled at this old national gathering, amounting, by the lowest computation, to 15,000 men, would have been creditable to the constitutional spirit of the north of England, if their courage had been equal to their alacrity; but, totally unused to arms—indeed, only possessing among them a small number of weapons—they showed that a heterogeneous, ill-trained force, such as that of the rebels, by being a few weeks under discipline, may appear powerful in comparison with a body only disciplined for one day. The old constitutional force fled in confusion when it came in contact with the first formed column of the insurgents, leaving in their hand "a great many prisoners, some few arms,

* Patten, p. 72. † Ibid., p. 74.

a great number of pitchforks, and some horses."* The casualties are said to have amounted to just one man wounded, on the government side. Here at last was a victory, and in every respect a satisfactory one. Nor were the insurgents bound to call it a conflict between trained troops and a disorderly rabble, or to represent it in any other light than as effective evidence of the innate superiority of their cause and its followers. It was thus, therefore, with feelings of no small pride and elation, that, in the small town of Penrith, they proclaimed King James III., at three o'clock, and later in the evening, after having occupied the interval in their usual employment of levying taxes, they regaled themselves with a plentiful supper, which the provident bishop had destined for the refreshment of his own troops, after the fatigues of victory.† Finding that Penrith did not afford any prospect of a permanent supply of provisions, they set off, at an early hour next morning, towards Appleby. On the 5th they marched to Kendal. During a great part of their journey, they were in a well-preserved game country, and the Highlanders, who were excellent marksmen, amused themselves not unprofitably, in bringing down some hares and rabbits, and an occasional deer. But in the midst of these circumstances of triumph and enjoyment, the leaders saw with uneasiness that the serious business of their expedition was not moving onward with their march, —the country was not joining them. It was remarked that they just obtained one recruit between Penrith and Appleby; and as they were subject to a good many de-

* Journal of a Merse Officer. Clarke, in his Journal, says—"By the strictest observation, the number was 25,000 men, but very few of them had any regular arms."—*Lancashire Memorials*, p. 75.

† Lancashire Memorials, p. 76. This bishop, it is worthy of remark, was the renowned William Nicolson, author of the English, Irish, and Scotch Historical Libraries, the most sagacious, and one of the most laborious, of English critical antiquaries.

sertions, every day saw their force rather reduced than strengthened.*

While thus meagrely countenanced by their friends, they saw abundant evidence of hostility and unpopularity, in passing through a country where there were many Low Church Whigs, Protestant Dissenters, and Quakers; and they seem to have owed their uninterrupted march more to the peaceful habits and the timidity of the people, than to their sympathy.†

All inward emotions, however aspiring, are subject to outward physical influences, and it must have tended still farther to depress the spirits of the insurgents, that they went forward beneath a continued soaking rain, which, suppressing the usual military pageantry, detracted both from the pomp and the terrors of their progress. "The horse," says an eye-witness, "did not draw their swords nor show their colours, neither did any drums beat, only six Highland bagpipes played."‡

In this and many other symptoms, we see that the hardy spirits of the mountaineers, inured to privations, kept them above the depression into which the prospects of the cause were subduing their allies. The chief field duty was committed to them, and they appear

* Nor was this one recruit of such a character as to make up for scarcity by value. "This man stole a horse about one hour before he joined them, and deserted from them the next day; and at August Assizes, 1716, was found guilty, and executed at Appleby for stealing the said horse."—*Lancashire Memorials*, p. 77. Next day we are told that "none joined them excepting one Mr Francis Thornburrow of Selset Hall, near Kendal. His father sent one of his servant-men to wait upon his son, because he was in scarlet clothes, and styled Captain Thornburrow." At Kendal it is said, "a journeyman weaver joined them here."—*Ib.*, pp. 80, 82.

† One worthy lady justified the charge against her sex, of displaying the extremity of sensitiveness in political questions, especially if they have any ecclesiastical bearing. "Madame Belingham, who was godmother to Thomas Forster, and tabled in Mr Simpson's house, would not admit her said godson to see her, and he going up stairs for that intent, she met him on the stairs, gave him two or three boxes on the ear, and called him a rebel and a popish tool, which he took patiently."—*Lancashire Memorials*, p. 82.

‡ Lancashire Memorials, p. 81.

to have been, by the account both of their foes and of their scarcely sympathising friends, orderly in their discipline, and moderate in their exactions.* The aspect of a race, so wild in their natural characteristics and peculiar in their dress, must have appeared—though they had not yet in reality passed above a hundred miles in a straight line beyond the Highland boundary—as strange and uncouth to the stolid agricultural Northumbrians, as if they had come from the extremities of the Russian empire, or had belonged to the vast Oriental army which the British empire now organises some thousands of miles south of the southern extremities of Europe.†

The several parish clergymen where the troops rested, were desired to perform the Church of England service, substituting, of course, in the Litany, King James III. and his mother, for King George and the several branches of the royal family. This was a severe ordeal to the high churchmen; but swayed by the cautious attitude of those around them, they seem to have unanimously declined to commit themselves by so unequivocal an act, and to have contented themselves with giving every facility to Patten and the other declared Jacobites. While at Appleby, the parson and curate who would not officially give utterance to the dangerous prayers, at-

* A Lancaster Quaker, by name William Stout, has recorded of them,—"It was a time of trial, and in fear that the northern rebels would have plundered us; but they were civil, and to most paid for what they had; but I had five of the MacIntosh officers quartered on me two days, but took nothing of them."—*Lancashire Memorials*, p. 98.

† A bystander in Kendal, who informs us that he had, in this town, been "clerk to Mr Crackenthorp, attorney-at-law," seems to have looked on the Highland leader and his immediate attendants with some curiosity: "About two o'clock in the afternoon, Brigadier MacIntosh and his man came both a-horseback, having both plaids on, their targets hanging on their backs; either of them a sword by his side, as also, either a gun and a case of pistols. The said Brigadier looked with a grim countenance." The same writer having noticed their departure, says, "the Brigadier looked still with a grim countenance, but the Lords, Forster, and most of the other horsemen, were disheartened and full of sorrow."—*Lancashire Memorials*, pp. 81, 82.

tended during the service, when they were read by Patten, after having given directions for the ringing of the bell, and all usual preparative ceremonies.*

More flattering indications of sympathy cheered the troops when they entered Lancashire, and crossed the domains of the old Roman Catholic families. They entered Lancaster on the 7th of November, and left it on the 9th. Here, for the first time, they enjoyed the consciousness of popularity. They were the heroes of the Roman Catholic ladies, who, it is noticed as a matter worthy of record, met the officers in a party devoted to the novel and aristocratic luxury of tea.†

Few incidents occurred during the occupation of Lancaster. Only a small number of arms were obtained in the hands of the peaceful citizens; and some of the more influential friends of the government had zeal enough to get some gunpowder, that might have been seized, cast

* Patten, p. 86. One ingenious caligrapher among the Jacobite clergymen, had his own peculiar method of attesting his loyalty. In the prayer-books in the several churches, he scratched out the names "Queen Anne," and "the Princess Sophia," as he found them printed, and substituted those of "King James," and "the King's mother," so successfully, that we are told "the said words are writ with such a nicety that many takes them to have been printed."—*Patten*, p. 87; *Lancashire Memorials*, p. 97. "The minister of Lancaster does not make use of that book now, but has it laid by in the vestry."—*Ib.*

† "This afternoon the gentlemen soldiers dressed and trimmed themselves up in their best cloathes, for to drink a dish of tea with the laydays of this toune. The laydays also here appeared in their best rigging, and had their tea tables richly furnished for to entertain their new suitors."—*Lancashire Memorials*, p. 97. It would appear that the uncouth Highlanders were not without their triumphs, even over unexpected hearts. Gabriel Dutton, a Quaker, writes to a friend that, "notwithstanding of all our care, we hear that one of our sisters, named Hannah, whom we hoped would have held forth one of these days," had succumbed to "one of the half-naked, brawny pagans. Tho' it's hoped she may rise again, yet she cannot be received into our bosom till she be twin'd of the bloody ofspring of that Anakite." This letter, though given as genuine by the careful editor of the "Lancashire Memorials" (p. 174), has in its tone something suspicious, especially in the sentence where, of the Highlanders, it is said—"The pagans who descended from the high mountains of Scotland play'd the devil, under command of one MacIntosh, who may be compared to Beelzebub, the god of Ekron."

into a well, but not enough to use it against the Jacobites.* The invaders collected some arrears of duties, after appointing a commission to inspect the books of the custom-house; but it is evident from the small sums occasionally mentioned, that during their whole march the funds they thus acquired must have been very paltry.† In their search for provender they were more fortunate, having found among the custom-house stores a quantity of forfeited brandy and claret.‡ In Lancaster the army was in the immediate vicinity of Hornby Castle, one of the princely acquisitions of Colonel Francis Charteris. Some ebullitions of indignation must have been manifested by the Scottish troops, when they found themselves in the neighbourhood of their notorious countryman, who, professing to adopt the government side, became to them a doubly legitimate object of hostility. At all events, a fear lest the Scots, if allowed to approach it, might set Hornby on fire, was the alleged reason why Colonel Oxburgh was despatched with an English party, who there obtained some provisions and forage.§

The Whigs in Lancaster had felt themselves so strong as to deliberate whether they should defend the town. They had gone so far in a project for destroying one of the arches of the bridge, as to peel off part of the paving, but on consideration they found that without exterior succour, the project was not to be prudently attempted. Having obtained undisturbed possession of the town, with the command of the castle, it has been often main-

* Lancashire Memorials, p. 95. † Ibid., p. 94.

‡ Lancashire Memorials. Patten says, the brandy "was all given to the Highlanders to oblige them."

§ Patten, p. 90; Lancashire Memorials, p. 87. These authorities state that they only "made free" with a little wine and beer, and with forage for the horses. They mention that, extravagance not being one of the Colonel's vices, he produced a bill for L.3:6:8, which Oxburgh accepted, "payable when his master's concerns were settled."

tained that the insurgents would have pursued their wisest course if they had fortified their position, and there awaited the enemy. But they were doomed to complete the circle of their mistakes and follies; and on the 9th of November, amidst rain, and through deep miry roads, they made their last march to the fatal end of their career. In "proud Preston," as this home of the old Catholic gentry of Lancaster was then called, they first received the hearty welcome of the general public, and yet the enthusiasm of the citizens, and the zeal of many hundreds of retainers, who here joined them, were but a miserable realisation of the host of twenty thousand men, who were to flock to their standard. It is difficult to estimate the precise numbers who here joined them. Rae states that the whole army within Preston amounted to 4,000 men,* an estimate which, allowing between two and three thousand to the Lancastrian additions, would seem, by the subsequent enumerations of killed, wounded, and prisoners, to have been exaggerated. An event which heralded their arrival served to raise whatever hopes were still floating in their minds—two troops of Stanhope's dragoons, and part of a regiment of militia, commanded by Sir Henry Houghton, quartered in the town, retired to Wigan, and thus added another to the many incidents teaching the insurgents to feel that they led charmed lives, and were destined to pass on without meeting the face of a foe. Whether it were from some hallucination such as this, or the mental paralysis which men feel when they have undertaken an enterprise too big for their grasp, the previous negligence and irregularity of the leaders, from the moment of their entering these fatal streets, seemed only to deepen into utter oblivion and unconsciousness. A prosaic observer

* Rae, p. 324. The author of the Annals says 1,200 men joined them.—p. 135.

† Rae, p. 317.

who was present, the attorney's clerk before cited, draws their conduct in a few simple words, "The ladies in this town, Preston, are so very beautiful, and so richly attired, that the gentlemen soldiers, from Wednesday to Saturday, minded nothing but courting and feasting."* Founding on the attractions of such a place, the sagacious Marlborough predicted, without scouts, and without leaving the retirement of his own chamber, where they were to be encountered, as one who, knowing the road a tippler has taken, may calculate on finding him in the most convenient dram-shop. "It is here," he said, pointing to Preston on the map, "that we shall find them."† Forster was now in the usual position of those who leave the most responsible part of their functions to irresponsible persons. His apologist, Patten, even in vindicating him, lets it be seen that he took the general assurances of the sanguine Lancashire Jacobites as a substitute for the proper precautionary investigations.‡ But another observer gives a still more flagrant account of his negligence, and seems to maintain, that he actually received intelligence of the close approach of the enemy, and endeavoured to drive the matter from his mind as a disagreeable truth.§

* Peter Clark's Diary, p. 107. † Lancashire Memorials, p. 110.

‡ "In all their marches, Mr Forster spared neither pains nor cost to be acquainted with all General Carpenter's motions, of which he had constant and particular accounts every day, and sometimes twice-a day; but the Lancashire gentlemen gave him such assurances, that no force could come near them by forty miles, but they could inform him thereof. This made him perfectly easy on that side, relying entirely on the intelligence he expected from them." So it was that "they came to be so utterly void of intelligence at that time, as to be so ignorant of the march of the King's forces, and to know nothing of them, until they were within sight of Preston, and ready almost to fall upon them."—*Patten*, p. 96.

§ "We received certain notice of General Wills being in Wigan, twelve miles distant from us, with two regiments of dragoons, who lay night and day at their horses' heads, in order to fly, if we should march towards Manchester or Chester. Though we had an opportunity of cutting off the enemy, yet General Forster would not allow us, nor suffer us to march towards Manchester."—*Journal of a Merse Officer—Lancashire Memorials*, p. 106.

We must now trace the various elements of the gathering storm which was presently to burst on this doomed expedition.

The first movement of the insurgents towards England had been well concealed from General Carpenter. No officer could be blamed for inability to deduce their intentions from their movements, since their leaders had moved without any, and were as ignorant of their own destination as their adversaries were. Even after the associated army had penetrated pretty far south, Carpenter was unacquainted with their direction, and proceeded towards Newcastle instead of Carlisle. When he ascertained the route taken by Forster's army, he hovered in the rear, and appears to have obtained accurate reports of their movements. As the insurgents approached Lancaster, much alarm was felt by the loyalists of Manchester, and the community of Liverpool, where defences of a far more formidable character than any with which the Jacobite army had an opportunity of contending, were erected. In the emergency, Major-General Wills, who commanded in Cheshire, received instructions to concentrate the several forces of the neighbouring counties at Warrington, for the protection of whichever of the two important towns might first seem likely to be attacked. Their positions were somewhat different. The citizens of Liverpool, being zealously loyal, only required protection; but many of the Manchester people being Jacobites, it was deemed necessary to endeavour to cut them off from the means of communication with the rebel army. Arriving at Manchester on the 8th, Wills found that Carpenter had marched from Durham, on the previous day, towards Lancaster, and he sent notice of the time when he might meet that general there. The marches of the insurgents, which brought them nearer to Wills' position, of course rendered this meeting inexpedient, as it would have removed him from

that defence of the great Lancashire towns which was, in the meantime, the chief object of General Wills.

Leaving the militia of Chester to keep down any rising in Manchester, he proceeded to Wigan on the 11th, where he was reinforced by two regiments of dragoons. On the 12th, his small force, well ordered, with the foot in front, and the mounted men formed into three brigades, began their march to Preston by break of day. It would appear that, on the previous night, Forster had issued orders for a general march towards Manchester, a movement which, if it had been executed, would have brought the insurgents by surprise upon a hostile army, which it is only consistent with the general character of their movements to suppose that they would have mistaken for a band of partizans approaching from Manchester. In the meantime, however, ugly rumours came to disturb the peace of the easy-minded general, and at last he was told that Wills was marching to attack him. Utterly unable to act on the news, if he was even in a state distinctly to comprehend its nature, his subordinates found it necessary to take their defence into their own hands.*

A council of war was immediately called, and sat without the presence of the commander. They came to resolutions to send forward advanced guards to the

* "Upon Friday, the 11th," says an eye witness, "about seven at night, the Earl of Derwentwater received a letter from the Lord M——, informing us, that, about twelve of the clock, Wills, being joined with seven regiments more, resolved to march towards Preston. When this letter was communicated to General Forster, he appeared dispirited, and then, as at all other times, very unfit for such an important command. He had nothing to say, but sent the letter to my Lord Kenmure. His Lordship, upon reading of it, going with the other persons of note to Mr Forster's quarters, found him in bed, without the least concern."—*Journal of a Mersc Officer—Lancashire Memorials*, p. 109. It has, indeed, been gently reported, that the commander-in-chief that evening "had received some little damage in the course of a convivial entertainment, so as to render it necessary that, instead of studying military despatches, he should retire to bed."—*Lancashire Memorials*, p. 109.

Darwen and Ribble bridges, and to put the whole army in readiness to take the field. Next morning, however, to the surprise and indignation of the unfortunate officers, these orders were countermanded by Forster.* It was indignantly remarked that, "the most revolting part of the general's conduct was, that he only awakened to testify to his amazed subordinates, that his authority had not slept with him."†

It was not, indeed, until a clergyman having walked forth of the town with some letters to friends at a distance, met the van of Wills' army, and returned with the news, after having been spoken to by that general, that Forster appears to have been in sober earnest convinced of the approach of an enemy. He then went forth at the head of a detachment, and leaving part of them at the Bridge of Ribble, a short distance south of the town, pushed forward, until he satisfied himself by ocular inspection, that all the intimations he had received really had some distinct foundation in fact. Instead of immediately returning by the bridge, and forming his plan of defence, we are told thus,—"He returned by another way, and ordered his chaplain, with all haste, to ride back, and give an account of the approach of the enemy, and issue orders for their reception, while he went to view a ford in the river, in order for a passage to come behind them."‡

Meanwhile, there were some men of another sort in this beleagured city, whose spirits chafed in vain indignation and disappointment for opportunities wasted and energies unemployed. "Are these the fellows you intend to fight Wills with?" said old MacIntosh, look-

* Journal, *ut sup.* † Lancashire Memorials, p. 109.

‡ Patten, p. 97. The chaplain does not make it quite clear, if he was as a temporary aid-de-camp to convey specific instructions, or if he was entrusted with a general message to the subordinate officers to do what they thought fit, or if he was authorised himself to command.

ing more grim than ever; "Faith, an ye had ten thousand of them, I'd fight them all with a thousand of his dragoons."* But he wasted little time in words; his duty was in the trenches and barricades, where he found Derwentwater, the aristocratic idol of the north, labouring coatless, and endeavouring, with vain individual exertion, to repair the shame that had come on all.

John Farquharson of Invercauld, an immediate follower of Mar, and a tough soldier of MacIntosh's band and school, was the commander whom Forster had left at the bridge with a hundred "stout, choice, and well-armed men." This bridge was the great pass towards Preston from the south, and the first point to which any general desiring to save the town, or those who were in it, would look, yet, by Forster's order, its defence was immediately abandoned. This policy has been vindicated, because the river was fordable at some distance; but it has been observed, that the fords were also capable of defence, and that Wills guarded them on the other side to prevent the escape of the garrison. That experienced general, seeing the bridge abandoned, suspected some deep stratagem to have been attempted, as old gamblers are said sometimes to apprehend far-calculating policy in the conspicuous recklessness of a raw beginner.† The place was full of narrow lanes and broken ground, and he might remember, that upwards of sixty years ago, it was in that very spot where, both armies fighting on the same side of the river, the hardest encounters in Cromwell's great victory of Preston were from royalist ambuscades among the lanes and broken ground. But Wills having "proceeded with caution, and caused the hedges and the fields to be viewed," was so astonished to find himself here also without an opponent, that "he concluded then the enemy was fled, and expected that they

* Annals, p. 134.

† Patten, p. 99.

had abandoned the town and all, and would endeavour by their long marches to return to Scotland."*

The plan of defence was laid down by MacIntosh. It was the simple city fortification of barricades. The insurgents had brought with them some ships' guns, which they had found at Lancaster, and making four barricades at so many of the principal approaches of the town, two guns were mounted on each. It was the brigadier's policy not to place the barricades entirely at the extremity of the town, where the streets radiated out to the country in small lanes, through which they might be flanked; but, with all the advantage the system might give to the enemy, in getting possession of the exterior houses, to lay the lines of defence somewhat nearer the centre of the town than the places where these avenues branched off. MacIntosh himself took the command of the principal barrier across the entrance from the Wigan road, and close to the church. General Wills inspected these preparations from a slight rising ground, and approaching MacIntosh's barrier, two dragoons near him were shot,—an incident which dispensed with a summons to surrender.† At two o'clock in the afternoon a general attack was made on MacIntosh's barrier. A slight embankment, raised nearer the extremity of the town, intended rather to perplex the enemy than to be defended, was immediately abandoned, and a sharp fire was opened from the main barrier, along with a flanking discharge of musketry from the houses on either side. Out of 200 men who entered the street, 120 were killed in a few minutes.‡ This slaughter was accomplished by the Highlanders, with the musket—a weapon of which they were thoroughly masters in the shape of rifle practice. For the clumsy artillery put at their disposal, they could find little use; and though they were aided by a

* Patten, p. 99. † Lancashire Memorials, p. 125. ‡ Ib., p. 125.

seaman in attempts to work them, the balls were chiefly lodged in the neighbouring houses. The erecting of the barrier within the range of houses, if it served to baffle the besiegers at first, gave them in the end the means of covering their attack. The principal houses beyond the barricade were occupied by some of MacIntosh's men; but while the main body of the besiegers advanced up the street, subject both to the operations from the barricade, and a flanking fire from these houses, small parties were sent through byelanes to attack the houses in the rear, and the rebels being dislodged from two of them, they were effectively occupied by the government troops. One of these, the house of Sir Henry Houghton, is described as an old battlemented mansion, which commanded the head of the hollow way leading from the bridge to the town, the street in the market-place, and a great part of the neighbouring fields, and had a garden behind, protected by a high brick wall.* It seems to be doubtful whether it was through the negligence of Forster, or the successful operations of the besiegers, that this defensible edifice changed masters. The other houses between the barricade and the exterior of the town, if not defensible, were still capable of offensive use; and being set on fire by the besiegers, obliged the besieged, who were posted on either side of the barricade, to retreat farther within the town. The houses blazed on during the night, and afforded the two armies light for their conflict. The possession of the two houses occupied by the besiegers, was felt to be so important, that Forster was strongly urged to make a great effort to dislodge them; but he rested on a maxim which was probably echoed from a saying of MacIntosh, "that the body of the town was the security of the army."†

The attack on the other three barriers was of a similar

* Lancashire Memorials, p. 128. † Ib., p. 129.

character. The assailing troops suffered sharply from the covered fire of the rebels; while houses were taken possession of and either burned or occupied, and generally the besieged were close pressed when the shades of evening fell. All through the night the scattered fight went on, partly by the light of burning houses, partly by that of some windows lighted up, under an order of General Wills, that all the houses taken possession of by his troops should be illuminated.* During that eventful night, it is briefly recorded by an eye-witness, that "both armies lay upon their arms, but General Forster went to bed."†

In the meantime, just one avenue from the town, the Fishergate, opening on some fords of the Ribble, in the direction of Liverpool, remained, whether from design or negligence, uncovered, and while the part of the rebel army which had marched from Scotland and the north of England, scorned this means of evading the crisis, it need scarcely have caused surprise that the new recruits, who, instead of that chequered career which reconciles the soldier to his fate, saw immediate disaster as both the beginning and the end of their military experience, should have taken this opportunity of leaving the service to which they had been for so brief a time attached. The numbers who thus escaped a participation in the final catastrophe appear to have been considerable.‡

Next morning—Sunday, the 13th—between nine and ten o'clock, Carpenter, who had been in vain following the track of the insurgents from the Scottish border, with a body of 2500 men, all cavalry, reached Preston. This general, whose rank entitled him to take the command-in-chief, announced his approval of the dispositions adopted by

* Patten, p. 113.

† Journal of a Merse Officer—Lancashire Memorials, p. 133.

‡ Lancashire Memorials, p. 135.

Wills. Though he generously desired the inferior officer to carry on the work he had begun, and reap the honour of the achievement, Carpenter's arrival was followed by several alterations in the disposition of the besieging army. The line of circumvallation was rendered more complete. The path through the Fishergate, by which so many of the insurgents had made their escape, was effectively covered; and, while the line was in some places narrowed for the sake of completeness, arrangements were made for concentrating the troops on any point which the insurgents might attempt to force. Now, for the first time, the beleaguered army saw inevitable destruction glaring them in the face.

There arose, at this dread juncture, a vital but characteristic division in the rebel camp. The Highlanders proposed to rush forth and cut their way through the enemy, or sell their lives at the highest bloody price: the English gentlemen began to occupy their minds with possible negotiations for a surrender. If there are circumstances in which a man should hold his life as of small account, it is when he has made an unsuccessful revolt. He has risked the peace and welfare of a country; he has exposed his immediate followers to the dangers and miseries peculiar to the insurrectionists in an internal war—all for the happy restoration of some beloved dynasty, or the reformation of some great abuse. But it is a miscalculation and a failure, and nought but evil has arisen out of his projects,—evil falling more heavily on his own adopted followers, than on his political enemies. He who risks such fearful stakes, should himself stand the hazard of the die. That he shall welcome death as the concomitant of disaster, is not too large a pledge of sincerity from the instigator of revolt. And yet the desire of such a leader to surrender, may have a disinterested cause. The executioner's axe strikes the most prominent victims, while the sword deals impartially, or

commits its main havoc among the ranks; so may a surrender be a sacrifice of the leaders, to staunch the effusion of blood among the followers.

This, however, does not appear to have been the view of Forster and the subordinate chiefs. They opened a treaty with the besiegers, and made anxious efforts to obtain terms of surrender. Their representative, Colonel Oxburgh, socially known to some of the royalist officers, obtained an interview with Wills, between one and two o'clock. He proposed that the forces should lay down their arms, on condition of being received as prisoners of war, and recommended by the victorious general to the royal mercy. Wills made an answer which was at least candid. He said, "I will not treat with rebels. They have killed several of the king's subjects, and they must expect to undergo the same fate." "You are an officer and a man of honour," said Oxburgh, "and I hope that you will show mercy to people who are willing to submit." Wills made a reply which, though it may sound hard, was honest, and strictly in accordance with his military duty. "All that I can do for you is, that if you lay down your arms and submit yourselves prisoners at discretion, I will prevent the soldiers from cutting you to pieces, and give you your lives until I have farther orders; and I will allow you but one hour to consider these terms." On being driven to a farther explanation, he said, "If I had the inclination, I have not the power, to give you any terms, otherwise than by sparing the lives of the rebels until his Majesty's pleasure be farther known. If you expect any other terms, return to the town immediately, and I will attack you, and cut you to pieces. I will give you but one hour to consider these terms."*. In his declaration on the scaffold, Colonel Oxburgh founded on an addition to these indications, in

* State Trials, xv. p. 857, *et seq.* Lancashire Memorials, p. 140.

some remarks by General Wills on the royal clemency, followed by the words, "You cannot better entitle yourselves to that clemency, than by surrendering yourselves prisoners at discretion."* The expression may have been used, and yet the two parties to the conference may have taken totally different views of its meaning. Wills may have considered that a merciful view was likely to be taken of the conduct of the rebels as a body —an expectation which he might consider well fulfilled though the chiefs were executed, if the great mass of those taken in arms were spared. Oxburgh seemed to consider that the expressions must be interpreted as something like terms of capitulation, extending the royal clemency to the leaders of the insurrection.

Though he seemed to question if it were consistent with the laws of war, the investing commander allowed the insurgents an armistice until next morning, on their giving hostages not to raise new works or escape. After some dangerous demonstrations by the Highlanders, who said they knew nothing about terms of surrender, and some efforts to escape in spite of the armistice, quiet possession was taken of Preston, and all found in arms there were made prisoners. The English captives numbered 462, the Scottish 1088.

* Oxburgh's Declaration at the Scaffold, 14th May 1716.

CHAPTER XVII.

The Recapture of Inverness—Armies of Argyle and Mar—Projects of the Insurgents to pass southward—Argyle's determination to Fight—The Battle of Sheriffmuir—Its Effects—The Arrival of the Chevalier, and the Influence of his presence—Disputes and Dispersals—The Devastation of the Country—Reinforcement of Argyle—Retreat of the Insurgents—The Chevalier's Departure—Conclusion of the Insurrection—Question of the Treatment of those concerned—Forbes of Culloden, and the Advocates of Leniency—The Captives—The Impeachment—The other Convictions—The Trials of the Scots at Carlisle—Attempt to enforce the Treason Law in Scotland—Punishment of Episcopal Clergy—Threatened Invasion from Sweden—Battle of Glenshiel.

THE conclusion of the affair of Preston was contemporary with two events in the north, fatal to the Jacobite cause; and the three blows coming together, though their conjunction was fortuitous, fell with the emphasis of an effective combination. The less important of the northern events, was the recapture of Inverness, mainly achieved through a petty revolution, highly illustrative of the Highland social system. Simon Fraser, not yet acknowledged as Lord Lovat, accomplished, along with the Laird of Culloden, a perilous journey to the abode of his clan after his achievements on the border. He was there admitted chief by Highland allegiance, though the law gave the estates to another who was then, with such of the clan as he had prevailed on to follow him, in Mar's camp. It was the policy of Simon to make a great demonstration on the other and safer side. He found three hundred men, who had refused to follow the Jacobite banner of his rival, ready at his call. Placing him-

self at their head, like a sovereign with an army, he sent notice to the disaffected clansmen who had followed the legal owner of the estates, to return immediately to their duty to their true chief, threatening them with ejection from their holdings, and military execution against their families and possessions, if they failed. As men exorcised by a command which it would be wicked and futile to resist, the Frasers left Mar's camp, just before the momentous battle of Sheriffmuir, and joined their brethren. Lovat found Duncan Forbes, afterwards the great and good Lord-President, defending the old fortalice of Culloden, while his father-in-law, Hugh Rose, held his neighbouring tower of Kilravock against repeated attacks, and with a well ordered force of 200 men, made his mansion do the proper service of a fort in protecting the surrounding country. Their efforts were important from their position. Northward of Loch Ness, and the chain of minor lakes, the power of the Earl of Sutherland, on the government side, balanced that of Seaforth, Glengarry, and the other Jacobite leaders; and in their absence at Mar's camp, was superior. Thus the fortified houses near Inverness, had all the importance of border fortresses; and the reduction of Inverness, for the Hanover interest, would relieve their owners of their perilous position, by giving their friends the command of the pass between the North Highlands and the rest of Scotland. The small body under Rose and Forbes, with Lovat's, and a party of the Grants, amounted in all to about 1300 men—a considerable force in that war of small armies. They laid plans for systematically investing Inverness; but before it was necessary to operate on them, the garrison silently evacuated the place, dropping down the river in boats on the night of the 13th of November, and sailing for the northern coast of the Moray Firth. This affair seems to have cost no other casualty than the

death of a brother of Rose of Kilravock, in a premature and rash attack. Thus the government had the command of the eastern pass between the North Highlands and the low country, leaving passable only such routes, beyond the western extremity of Loch Ness, as were not liable to be interrupted by the garrison at Fortwilliam.*

We must now turn to the part of the country where Mar and Argyle confronted each other, and the third great blow was to be given. The true policy of an insurgent leader is to strike and astound; but Mar remained devious and uncertain, awaiting the course of events, and trusting to accidental good fortune. The English Jacobites were expected to rise, but they did not. Ormond and a large French force were to make a descent on England; but Ormond came almost alone to be laughed at, and be glad to escape. On the other hand, the promised Dutch reinforcements of the government were on their way, and there was every prospect that, instead of Argyle's little army of three or four thousand men, Mar would have to face a larger force than his own. His leaders having too much time to think and talk, caballed and grew discontented. The Highlanders, instead of being led to immediate battle, which they deemed the only function of an army, were, for a hopeless project of fortifying Perth, set to trenching, embanking, and other drudgery, which their souls abhorred.

The correspondence of the Earl at this time, amply preserved, shows a rambling indecision of purpose, which

* Major Fraser's MS. Narrative. Genealogical Deduction of the Family of Rose of Kilravock, p. 350. Contemporary pamphlet on "The Conduct of the Well-affected in the North." The coincidence in time, of this achievement, with the reduction of Preston, and the battle of Sheriffmuir, is remarkable, and was much dwelt on at the time. But perhaps the day of the capture of Inverness not being exactly known—though it certainly was about the middle of November—it is not unlikely that the coincidence may have created a tendency to assign it to the 13th.

is unpleasant even to the neutral historical reader, and must have been irritating beyond measure to the impatient spirits whom he held in the bondage of his inactivity. He had at last formed a general intention of marching southwards, but without having adjusted a plan. Argyle, however, saw, on the approach of winter, that nature would make a route for his undecided opponent, by hardening the waters with frost, so that, the rivers being no longer impediments, the large army might percolate past him by various routes; and he bravely resolved, ere such a result could occur, to attack the enemy, whenever their aspect indicated a movement southwards.

On the 10th of November, the Earl of Mar broke up his camp at Perth, marching to Auchterarder; and two days later, Argyle, after calling in his outposts, led his small compact army northwards. On the 12th, Mar advanced in two divisions. The advance consisted of the Master of Sinclair with his Fifeshire squadron, two other squadrons of cavalry, and the bulk of the northern and western clans—the various MacDonald tribes, the MacLeans, the Camerons, the Stewarts, and the Gordons, with a considerable force of Breadalbane Highlanders, whose effective presence did not prevent their aged chief from afterwards claiming the consideration of the government for having kept his clan from participation in the insurrection. The Highlanders were nominally led by General Gordon, but his actual power could be no more than that of aide-de-camp, as each clan was headed by its own patriarch, who unwillingly took orders even from the commander-in-chief. While the clans marched toward Dunblane, Mar, with the rear, was to rest at Ardoch, where the still distinct remains of the Procestrium of the Roman camp might serve as a partial fortification. The wife of the Jacobite laird of Kippendavie, whose place of residence had a command over the country, sent intimation, through a lame boy and an old

countrywoman, to the van, that Argyle was marching northward, and had reached the town of Dunblane before them. The advance was stopped, the rear brought up, and the whole insurgent army formed on an eminence north of the Sheriffmuir, where they passed the night. Argyle, fearing a surprise should he quarter his men in the town of Dunblane, commanded from the neighbouring ground, stationed them on an adjoining height. The night of the 12th of November, which answers to the 23d by our present reckoning, was keen and frosty, but both armies slept unsheltered on their arms. On the morning of Sunday the 13th, the two armies, conscious of each other's presence, saw that, if there were a combat, it would take place on the Sheriffmuir. Mar could not change the ground without risk, and Argyle considered it suitable for the movements of his horse, on which he mainly relied, to balance his inequality of number. The muir is a broad eminence, which is formed by a spur of the Ochils, but swells so gently, that at a distance it seems an elevated plain. As a platform projecting into the great basin between the Ochil and Grampian range, it commanded a wide view of the surrounding country, from which, at the same time, its own surface was, of course, conspicuously visible. Hence neither army could deploy on the muir without its movements being easily ascertainable by the other. But there were peculiarities in the immediate character of the ground, which, as we shall presently see, impeded the mutual observation of two forces actually occupying it. Mar saw, on an eminence between him and Dunblane, a clump of officers, whom he rightly conjectured to be the Duke of Argyle and his staff, surveying the position of the Jacobites. Ever undecided, Mar, with a force which, in better hands, would have poured down on Argyle and routed his small army, called a council. It does not seem to have been a limited committee of responsible general

officers, but a miscellaneous assemblage of the eager, the opinionative, and the reluctant. Of the last, there were some important leaders who had views of making terms with Argyle, and who murmured their doubts of the expediency of risking a battle. But their hesitations were drowned in the fierce cry of "fight, fight," by the clan leaders, who, with the enemy before them, could ill understand how there were two views to be taken. They were echoed by the exulting shouts of their followers. It would have been impossible for more resolute commanders than Mar to keep them from flying at the enemy's throat, and he put himself at their head, an unwilling general forced by his troops to lead them to battle. Leaving the ground where they had passed the night, the insurgents swept in four columns through a morass towards the gradual ascent of the muir. Their motion, tending to the right, threatened to take the small army of Argyle in front and wing at once, and almost to surround it. Marching with a tendency to the right, he ascended the muir by the opposite end. He drew up in two lines, with six battalions of infantry, and three squadrons of horse on either wing. The Duke commanded on the right,—an able officer, General Wightman, bringing up the centre, and General Witham commanding the left wing.

This army did not consist of quite 4000 men, but they were almost entirely seasoned troops, in compact condition, according to the formal discipline of the day, and unencumbered with stragglers.* The insurgents, about three times as numerous when all who belonged to their camp were counted, were intended to operate in four strong columns of infantry, each flanked by cavalry. The order was, however, speedily disturbed, the High-

* The Glasgow volunteers, though under an able commander, Colonel Blackadder, who pronounced them fit for the field, were left, much to the mortification of their leader, to keep Stirling bridge.—*Life of Col. Blackadder*, ch. xix.

landers running forward in clumps, discharging their muskets, and then dashing on their enemies with the broad-sword, to scatter them, or be scattered by them. If any one gave the Highlanders an effective command, it appears to have been the chief of MacLean, who, by a loud appeal to his own men, brought the other clusters on the right far on before the body of the army. Of the rapid contest called the battle of Sheriff-muir, it is extremely difficult to convey a distinct impression. The nature of the ground explains one source of confusion, in the two armies being unable to see each other until they had almost met hand to hand. The muir is a hill, but a very gentle one; and it has the peculiarity of being a regular curve, presenting in all parts a segment of a sphere, or rather an oblate spheroid. There are no rapid declivities, and no plains. Hence, in every part of the hill, there is a close sky-line, caused by the immediate curve; and where there is so much of the curve as will reach a perpendicular of some eight feet between two bodies of men, they cannot see each other.

Hence, the armies not being mutually visible, each failed in the design of facing the other. Each tended more to the right than its leader had designed, and thus the left of either was outflanked. Hence came the ludicrous peculiarity of the contest, that the right of either army was victorious. The impetuous rush of the Highlanders carried Witham, with his horse and foot, before them down the declivity towards Dunblane, with much slaughter. Both were unformed, but this gave the Highlanders a decided advantage: they came on in charges,—the method of fight with which they were familiar; but they caught their opponents in the helplessness of what was termed "the long march." The charge of the Highland left was steadily received by Argyle's right and centre, fully formed. The Highlanders, thus firmly met, swayed and faltered, and scampered off to

form and rush on again. But the cavalry pursuing them, gave them no time to halt for the purpose, and they were routed. With troops of another kind, the victory of Mar's right wing, being by a superior over an inferior force, might have been extended over the whole, since the pursuers, had they been well in hand, might have been brought up on Argyle's rear or flank, so as to expose him to two armies, each larger than his own. But such complex movements were not consistent with the Highland method of fighting, which decided the matter with a rush.

Argyle was left to pursue his advantage with vigour, and to drive the fugitives entirely off the field. Mar retreated to Perth. The victorious part of his army, stationed on an eminence called Kippendavie, menaced the pursuing army on its return, but were not disposed to recommence the battle. Argyle was allowed to take the victor's privilege of occupying the field of battle, where he found the enemy's useless cannon, and some other trophies. The slaughter is estimated at about 800 on the insurgent, and 600 on the government side. There were several men of mark in both armies, whose adventures have been commemorated in traditional anecdotes. The Master of Sinclair stood under suspicion of designed inaction. Rob Roy, who was present with a few of his banditti, stood quietly apart, watching an opportunity for plunder, and, when ordered to charge, answered with surly selfishness, that if they could not do it without him, they could not with him. The insurgents lost the Earl of Strathmore and the young chief of Clanranald; while in Argyle's army the Earl of Forfar was slain, and several gentlemen volunteers received severe wounds.* Mar, though among the fugitives, claimed a

* In the "Mar Papers," there is an account by the poet-chief, Robertson of Strowan, of the conflict "between the royal army, commanded by the Earl of Mar, and those miserable, misled rebels, under the conduct of my

victory in the usual terms of his hollow, faithless manifestoes. It was unquestionable that the Duke of Argyle had performed a service above many victories; for if he had not absolutely defeated an army three times as large as his own, he had beaten it back, and baffled the purpose of its leader.

The result of the battle, when followed by the news from Inverness and Preston, gave a strong impulse to the incipient discontents and divisions in the camp at Perth. To the Highlanders, the question whether they had gained a victory or not, was unpleasantly solved by the total absence of the legitimate fruit of victory—plunder. They adopted their usual method of silent, unceremonious dispersal. We have seen that the Frasers

Lord Argyle." It is more curious than instructive. Narrating, with great exultation, the partial victory on his own side, he says of the fugitive part of the insurgent army:—"The enemy's cavalry still advancing, and it not being the Highlanders' talent to engage horse with sword in hand, or to charge their pieces a second time, and not being sustained or encouraged by some squadrons who were intended to be near them, it is no wonder men noways trained for regular attacks, in those circumstances should begin to think of their safety, which they did to such good purpose, that I truly believe they lost not six men. In retiring, they were followed, indeed, about a mile and a half down the hill; but, as soon as they passed the water of Allan, having met with a party of MacGregors going to join our army, they drew up, and the enemy thought it proper to leave them."

In the passage following, he facetiously alludes to his own adventures:—"Strowan Robertson was also taken upon the head of our line, going to join whatever regiment he should find standing on his right. He was, indeed, civilly used by his guardian, upon telling his relation to Captain Patrick Robertson of the Gray Horse, in return of which, Strowan told him he had twenty guineas at his service; but his guardian, happening to mistake the Earl of Mar, believing him to be the Duke of Argyle or some of his party, ran himself into a difficulty, out of which his horse's heels could only extricate him: so Strowan was left alone, not much to his dissatisfaction.

"I doubt not but the enemy, after the candour peculiar to Hanoverian heroes, will publish this action as a victory on their side, though they all know in their consciences we possessed the field of battle all day long, entirely cut off as many of their infantry as we could engage, routed some squadrons of their horse, took two hundred prisoners and fifteen hundred arms, retook several gentlemen who fell into their hands, followed them almost to Dunblane,—and all this with the loss of forty men killed, and they know themselves how few prisoners they have in their custody."

were called off before the battle. The Camerons, with Huntly's and Seaforth's men, followed them in collective bodies. Some of the other clans oozed gradually away, until they disappeared. A portion of the Lowland gentlemen, regretting that they were too conspicuous thus to vanish from the appalling dangers now staring them in the face, were desirous to surrender. On this point they were at feud with the Highlanders, who never adopted this method of settling difficulties, but trusted the final question to their swords or their heels. The intriguing and doubtful Master of Sinclair, who was the leader of these projects, and followed Huntly to Strathbogie to endeavour to arrange along with him separate terms for themselves—vindicated his desertion by asserting that his life was not safe in Mar's camp, where some Highland ruffians had undertaken to assassinate him.* Mar tells us, that it was in the knowledge of these projects, and to prevent a partial surrender, which would be ruin to those who held out, that, through a common friend, he put to the Duke of Argyle the question, if he had power to treat and grant terms? Argyle, who had ever a warm heart for his countrymen, appears to have hailed the prospect inferred by the question with ready and lively satisfaction. He had not such powers, he said, but he would apply for them; and he lost no time in sending his commission to London to be enlarged. His application was met by the coldest of all answers—silence; and, according to Mar's statement, the commission was not even returned.† The incident was in too close harmony with the Hanover policy, of stopping every avenue of retreat and reconciliation, and driving the inconsiderate and the discontented into a position of declared, irreconcileable hostility.

* See Introduction to "Proceedings in the Court-Martial held upon John, Master of Sinclair," edited by Sir Walter Scott for the Roxburghe Club.

† The Earl of Mar's Journal, printed at Paris, in appendix to Patten.

While Mar's force dwindled day by day, Argyle's enlarged. The Dutch subsidies and English reinforcements, so long on their way, must presently arrive, and those who had borne so ill a contest with a smaller force, must expect to face a greater than their own. And now, the desire of their fondest prayers was granted to them, only to add to and complete their calamities, in the arrival of him for whom all their exertions were undertaken, and their calamities borne. The exiled Prince had found his way, not without suspicion of French connivance, to Dunkirk. There he obtained a small vessel of eight guns, which, professing to clear for Norway, struck slanting across the channel for the north-east coast of Scotland. Montrose was honoured by the first intimation, through the concerted signals, that the little vessel hovering near conveyed Cæsar and his fortunes; but the vicinity of a ship of war rendering an attempt to land imprudent, the stranger passed northward, and deposited its interesting freight on the granite shore of Peterhead, the most eastern headland of Scotland. James had with him but six followers, and one of them posting southward with the news of the landing to the camp, the others accompanied him in disguise through Aberdeen. On reaching Feteresso, a mansion of his young adherent, the Earl Marischal, he first dropped his disguise, and proclaimed himself a king. The magistrates of Aberdeen, a body of Jacobite gentry who had been forcibly substituted for the constituted officers by the Earl Marischal, immediately offered their loyal homage. The Episcopal clergy passed an address of the kind which had been unknown for nearly thirty years. They were rapt in thankfulness to the Deity who had so miraculously preserved the King's sacred life to bless his people. They prayed that it might be continued to prosper his arms, to turn the hearts of the wicked and the misguided to allegiance and duty, and to establish him on the throne

of his ancestors, in a long and happy reign, blessed with royal progeny. And besides these usual elements of loyal ecclesiastical addresses, they gratuitously, with a falsehood so transcendant that it looks like mockery, said,—"Your princely virtues are such, that in the opinion of the best judges, you are worthy to wear a crown though you had not been born to it." Mar proclaimed a glowing eulogium on the Prince's high qualities, his fine presence, his great talents, his attention to business, and his practical capacity. When we reflect on the Jacobite leader's duplicity, it is difficult to avoid the impression, that the reason of his desiring to promulgate such a view, was a desperate effort to anticipate and counteract the totally opposite impression which the poor Prince's presence was calculated to produce. After a short detention from an attack of ague, the interesting stranger moved southward by Glammis and Dundee to his camp at Perth, which he reached on the 6th of January. There he graciously desired to see the little kings of the Highlands with their armies; and on their exhibiting some portions of the Highland exercise and discipline, he was pleased to bestow on them his royal commendation. But the approval was by no means reciprocal. The Highlanders were strangers to those subtle principles of apostolic succession or divine right, of which the theoretical purity was held to be rather confirmed than weakened by the wretchedness of the physical medium through which it might happen to pass. They had ever been accustomed to associate greatness and authority with the immediate means of employing them, and especially with physical strength, and the indications of courage and determination. Their legends reminded them of instances where decrepid or timid chiefs had to be deposed and be replaced by hardy daring kinsmen, who could effectively lead the clan. And when they saw in the great chief of all their chiefs, the never robust frame

shaken by dissipation, the feeble lazy eye, the sallow cheek, the imbecile smile, and the listless movements, the vision of such a descendant of the heroic race of Stewart, fell upon them with the coldness of despair. Though the Highlanders generally profess a reverential reserve about great men and great things, yet it appears that they could not suppress their uncomfortable astonishment, and asked each other if the apparition could speak.*

The chilling influence of the unhappy prince's presence was not limited to the mountaineers. If it did not

* "I must not conceal, that when we saw the person who they called our King, we found ourselves not at all animated by his presence; and if he was disappointed in us, we were tenfold more so in him. We saw nothing in him that looked like spirit: he never appeared with cheerfulness and vigour to animate us. Our men began to despise him. Some asked if he could speak. His countenance looked extremely heavy. He cared not to come abroad among us soldiers, or to see us handle our arms or do our exercise. Some say the circumstances he found us in dejected him. I am sure the figure he made dejected us, and had he sent us but 5000 men of good troops, and never come among us, we had done other things than we have now done."—*A true Account of the Proceedings at Perth, etc., written by a Rebel.* This has been supposed, but apparently on insufficient grounds, to have been the production of the Master of Sinclair. In a *jeu d'esprit* of the period, called "a hue and cry after the Pretender," his personal defects are cleverly mixed with the still lingering belief in his spurious origin, and other assailable peculiarities. It is supposed to be issued after his departure, and begins, "Whereas, one James Stewart, *alias* Oglethorpe, *alias* Chevalier, *alias* Pretender, *alias* King, *alias* no King: neither Cæsar nor Nullus; neither a man nor a mouse; neither a man's man nor a woman's man, nor a statesman, nor a little man, nor a great man; neither Englishman nor Frenchman, but a mongrelion between both; neither wise nor otherwise; neither soldier, nor sailor, nor cardinal; without father or mother, without friend or foe, without foresight or aftersight, without brains or bravery, without house or home, made in the figure of a man, but just alive, and that's all; hath clandestinely lately eloped from his friends through a back-door, and has not been seen or heard of since;" and proceeding in this strain, there is this epitome of the prince's visit, "And whereas, the said *alias* pretended to come here, to watch and fight, to bring men and money with him, to train an army and march at the head of them, to fight battles and besiege towns, but in reality did none of these, but skulked, and whined, and speeched, and cryed, stole to his head quarters by night, went away before morning; and having smelled gunpowder, and dreamed of an enemy, burnt the country, and ran away by the light of it."—*Adv. Lib.*, ccc., 3–2.

awaken the believers in the eternal divine right of legitimacy, to doubts about the truth of their creed, it taught a larger party among the leaders—those who were selfishly engaged in an ambitious game, that they had a poor card to play it with.

But however deficient he might be in the qualities for heading a successful restoration, he showed himself a remarkable adept in acting the part of an acknowledged monarch, with a firm throne and unlimited power. His answers to addresses were as brief and chilling as if long occupancy of an assured empire had made the very adulation of his obsequious subjects troublesome and distasteful. He took up his state in Scone Palace—a place well chosen for its historical associations with the coronation of the Scottish kings. There he created much mysterious curiosity by the accurate royal etiquette with which he was surrounded, the canonical arrangement of his many dinner courses creating among the simple-living Highlanders a mysterious feeling which almost restored their lost respect. He condescended to touch for the "king's evil." He speedily issued six gracious proclamations, very few of which had an opportunity of even a pretended enforcement. The first was for a general thanksgiving on account of his safe arrival; another commanding the clergy to pray for him; the third was for the currency of foreign coin, and elicited the remark that there was only too little of it in the country, and an announcement of fresh arrivals would have been more acceptable than the unnecessary injunction; the fourth was to summon a meeting of the Convention of Estates; the fifth required all able-bodied male persons, from sixteen to sixty years of age, to repair to his standard; and the last appointed his coronation to take place on the 23d of January. Ere the day fixed for this great event, he was occupied in endeavouring to escape from the cares and dangers of his enterprise. But in the meantime, it

was the pride of the Jacobite ladies to contribute their rather scanty trinkets as materials for the construction of the likeness of a kingly crown for the august occasion.

The relative strength of Argyle's force, and the weakness of Mar's, were daily increasing; and the insurgents felt distinct indications that their opponents were preparing to march northwards and conclude the contest. Their precarious position suggested the necessity of clearing the country, intermediate between them and Argyle, of shelter and provisions. This could not be accomplished without the cruel operation of burning out the inhabitants, and sending them forth homeless and foodless, on the wintry earth. It appears that none of the military commanders would take the responsibility of such an act, and they required authority under the sign-manual. Warrants were successively granted in the middle of January, "in the fifteenth year of our reign," giving authority in each instance to "burn and destroy" each village, "with the houses, cows, and forage" of the inhabitants. Thus the cluster of picturesque villages between the slopes of the Ochils and the Grampians, including Crief, Muthill, and Auchterarder famed in ecclesiastical controversy, were sentenced to destruction. The doom was enforced in the midst of a heavy snow-storm; and though it was not in the orders that personal violence should be done to the people, and none of them appear to have been slain, yet it was impossible that young and old should be sent forth from their homes and winter stores, to wander in the cold, without suffering hardships and horrors from which many of them were relieved by death. An inhabitant of Auchterarder drew up a narrative of the scene.* Though

* Accounts of the Burning of the Villages of Auchterarder, Muthill, Crieff, Blackford, Dalreoch, and Dunning, about the beginning of the year 1716; printed in the Miscellany of the Maitland Club, vol. iii. As a characteristic specimen of the narrative, take the following: "When they were a' burning

full of miserable and affecting incidents, yet it must be granted that, had we village annals of much of the warfare of the age, it would doubtless often afford a more frightful spectacle. The civil wars, which in Scotland protruded into the eighteenth century, whatever follies or crimes they developed, were not debased by sanguinary acts. A thirst of blood was not in the nature of any portion of the people; and even the Highland brigands seldom destroyed life.

The results of his after-thoughts on this matter were creditable to the memory of the unhappy Prince, among whose defects deliberate cruelty cannot be included. In a letter to the Duke of Argyle, he said, "It was indeed forced upon me by the violence with which my rebellious subjects acted against me, and what they as the authors of it must be answerable for—not I." Such appeals to political necessity, however they may appear coming from the lips of the successful crusher of opposition, have a melancholy folly in those of the author of a baffled outbreak. But the Prince's heart, far sounder than his head, refused to receive this childish sophistry as a vindication of desolated homes, starvation, and death. He did his best to repair the mischief, announcing by proclamation that the sufferers should give in estimates of their losses. This warrant was dated on the 26th of

the house of Alexander Gibson, merchant, one of the horsemen came up and said,—'I perceive this is a merchant's house, save his shop;' but to this the Highlanders gave no ear. They beat himself, robbed him of what money was about him, took what was useful for them in the shop, and burnt the rest. His wife, seeing the bad usage of her husband, fell down in a swoon, and the horseman who had called to save the shop, seeing a child weltering in the snow, took it up, and carried it before him on the horse's neck, to James Maitland's, to whose house, when they saw all the houses and corns quite burnt down, the whole party returned. We do not know who that horseman was, but he was heard to say, that for no king in Christendom would he ever have a hand or be concerned in executing so cruel and barbarous an order; and so great an effect had the sight of the children lying upon the snow, and the women's crying and tearing themselves, that some even of the barbarous Highlanders were seen to weep."—p. 461.

January, but it appears never to have been executed. It was the function of Mar, who countersigned it, to see it put in the way of execution; but it was not in ruined villages or starving wanderers to touch a heart so hardened with selfish ambition; and his indolent master was not likely to recall the affair and urge it to a conclusion.*

The Dutch troops, under Cadogan, who had entered the Thames in the middle of November, by very deliberate movements, reached Argyle's camp before the end of December, and, with English auxiliaries, added 6000 men to his small force. Detachments were instructed to drive the insurgents from Burntisland and their other posts on the coast of Fife,—a duty productive of small local conflicts, mentioned in the pamphlets and correspondence of the day; but in the end easily accomplished with the aid of the vessels of war in the Forth. Waiting until he obtained some artillery from Berwick, it was the 21st of January ere Argyle made his first distinct movement. General Guest was sent on that day, with a small detachment of dragoons, to report on the practicability of penetrating the country, then buried in deep snow. The insurgents hoped to find a respite in the inclemency of the season, and the advance of the dragoons was an alarming intimation that their hour was come. Such country people as could be found, were pressed to the arduous duty of clearing the roads, to

* It is but fair to Mar, however, to say that, in a private letter, he is found seconding his master's misgivings before commencing the operation. His remarks show how effectually the vigorous measures of Argyle were felt in the insurgent army. "By all appearance, the enemy resolve to march against us, as one might say, whether it be possible or not. They sent a party of horse and foot to Dunblane on Sunday, which came near to Auchterarder yesterday, I believe, to try if the thing was practicable; but they returned to Dunblane as above. We shall be forced to burn and destroy a good deal of the country to prevent their marching, which goes very much against the King's mind, as it does mine, and more of us; but there's an absolute necessity for it, and I believe it will be put in execution this night, or to-morrow morning, which grieves me, could it be helped. This way of their making war, in this, I may say,

enable Argyle's forces to advance. It was not until the 29th, that the main body of the army began its march, passing the night of the 30th in the ruins of Auchterarder, where they found the natural hardships of a winter march increased by the desolating policy of their enemy.* The camp at Perth, by the arrival of scouts, were prepared on the 28th for the immediate approach of Argyle. The scene at Preston was now re-acted in all but the imminence of the danger. A miscellaneous council of people, coming and going, sat day and night talking, disputing, vituperating, and threatening, but doing nothing. The Highlanders, into whose calculations deliberate retreat never entered, exulted in the certainty that a battle could no longer be postponed, and were maddened with angry disappointment, when they found hesitation and doubt about the course to be adopted. The military men in general were for holding out, believing that, poor as were the defences of the town in an ordinary season, the frost and snow, preventing the enemy from throwing up field-works, would give them the full advantage of fighting under cover. But Mar and others began to speak of a retreat as necessary for the Prince's safety. There was almost a little civil war within the camp itself. The fighting men ruffled the courtiers in the streets, passing from angry altercation to threats. For what purpose were they brought there?—was it to fight like men, or to flee like poltroons? Why had their Prince

impracticable season, must have extraordinary methods to oppose it; and I hope in God, any that suffers now, it shall soon be in the King's power to make them a lawful reparation. After all, when they have no cover left them, I see not how it is possible for them to march. We are like to be froze in the house, and how they can endure the cold for one night in the fields, I cannot conceive; and then the roads are so, that but one can go abreast, as their party did yesterday; and there's no going off the road for horse, and scarce for foot, without being left in the snow. But if, after all, they do march, we must do our best; and I hope God will preserve and yet prosper the King, who is the best Prince, I believe, in the world."—*Mar Papers.*

* Annals of George I. Campbell's Life of the Duke of Argyle, p. 251.

come among them?—was it to head them and cheer them on to battle, or was it to see how many of his subjects were prepared for the shambles? The grim Laird of Glenbucket swore that the loyal clans would seize their King and fight around him ten thousand strong—a threat calculated to strike the direst terror into the heart of the royal stranger.* This eminent personage was prevailed on to attend a council of war, where his evident fear of warlike resolutions, and of in some measure having his personal safety compromised, dropped bitter despondency into the hearts of the Highland leaders. Mar opened the discussion with a deprecatory enumeration of the many adverse contingencies which had followed the battle near Dunblane;—the person who recorded the scene was not sure if he called it a "victory." It was in vain that the voice of the combative was still for war. No army can fight when the leaders have resolved that it shall retreat or yield. Since the arrival of the Prince, the politicians had been whispering to each other the impression they had all received, that the attempted restoration must be abandoned. All that remained was to choose the appropriate time and method. There was considerable sagacity in the view that the deep snow gave an opportunity for the safe dispersal of a Highland army not to be neglected, since it would be impossible to reach the stragglers before they could each find his own home, and, divested of martial characteristics, be found in the condition of the peaceful peasant. It was believed, indeed, that Argyle had calculated on the same results,—that he was desirous rather to let the insurrection die than extinguish it; and, to let his countrymen have an opportunity of escaping, had protracted his operations until the snow fell, determined to complete them at the least favourable moment for the pursuit of

* Account of Proceedings at Perth.

fugitives. On the side of the insurgents, it was remembered that even if they held Perth against Argyle, he could cross the frozen river, and effectually cut off the communications, so that the leaders would be prevented from escaping abroad by the coast, and the Highlanders from gaining the refuge of their mountains. To some, to whom these views were not convincing, it was mysteriously whispered that there was a deep perfidious plot within the camp to seize the Prince and sell him to the enemy.

When the remaining Highlanders saw that the prospect of a battle was hopeless, they rapidly melted away in their usual manner, dispersing by hundreds in the direction of their particular valleys.* On the 30th of January, uneasily noticed as the anniversary of the martyrdom of Charles I.—the retreat was organised, and it began at midnight. The main body, ever dwindling by desertion, crossed the river on the ice, marching on to Dundee, and thence to Montrose. Argyle, hearing that the town was empty, entered it at the head of 600 dragoons, on the 31st; but his main force, glad, after the hardships they had endured, of the shelter of a town, remained there two days' march behind their enemy.

When the insurgents reached Montrose on the 3d of February, the diminished army, whose suspicions had been roused by the coastward direction of their route, were alarmed by seeing some French vessels close to the harbour, while they noticed other indications of desertion. To appease their suspicions, the usual parade was kept up round the Prince's quarters, a march was ordered that night, and

* As a method of emphatically describing this peculiarity, it appears that at the beginning, "One of their leaders remarked, that he feared the Highlanders would desert their colours in three cases, 1st,—If they were long without being brought to action, they would tire and go home; 2d, If they fought and were victorious, they would plunder and go home; 3d, If they fought and were beaten, they would run away and go home."—*Master of Sinclair's MS.; Lord John Russell's Memoirs*, i., p. 341.

his baggage was forwarded. But the plan for an escape had been accurately pre-arranged, and the Prince, accompanied by Mar, walked by a bye-lane to a boat, in waiting to convey them to a French vessel, which a few days afterwards landed them between Dunkirk and Calais. This incident gave, of course, an impulse to the desertion. General Gordon, left in command, entered Aberdeen on the 6th, with little more than 1,000 men. Here, as a radiating point, they dispersed in groups, no longer preserving the pretence of an army, while about 140 of the leading men were conveyed to France by vessels sent by instruction to hover along the Aberdeenshire coast. A considerable number of gentlemen, who lost this opportunity, passed through the Highlands to Burghead, on the coast of the Moray Firth, and there taking boat, crossed through Caithness to Orkney. They were picked up by a French vessel, and conveyed to Guttenburgh, where they were welcomed by the King of Sweden, who, in the middle of his wild projects, could not have received more acceptable visitors. No man of consideration was seized in Argyle's march. When he reached Aberdeen on the 8th, there was not an army to oppose him. A few stragglers only, amounting to about 200 men, were overtaken in the pursuit and made captives. So ended the rebellion of 1715.

Ere its entire extinction, arose the awful question, which, thrilling through many hearts, disturbed the nation with a restless anxiety,—What were the victors to do with the many hundreds of the vanquished, with whom the fortresses and prisons were crowded? No government can extend to defeated insurgents the privilege of prisoners of war, without opening the way to continued insecurity, and causing more public misery than the utmost severity can create. The security which nations have against the turbulent dispositions of their neighbours is, that they cannot be assailed by isolated collec-

tions of individuals: the state itself must make war. But if a government were to treat all the individual subjects who disturb its order, with the etiquette due to nations making war with it, all guarantee for internal tranquillity would vanish. No diplomatic interchanges, no consultation of other powers, no formal government arrangements and preliminaries, would be necessary. Whenever interest or passion excited them with sufficient force, bands of the people would rise against any government, however beneficent, if the alternative were success, or a treaty without punishment.

He who takes the desperate determination of rising against a settled government, must not only look in the face the misery and ruin he spreads around—unfortunately, the ambitiously selfish can contemplate such a vision without emotion—but on the axe or the gibbet for himself, if he should fail. The prospect of martyrdom is the test of his sincerity, whether it be born of the fanaticism which calls men to fight for a leader or an opinion, without reference to the chances of success, or be founded, like the projects of a Sidney or a Russell, on well-weighed calculations for the benefit of a people. Nor when, in the defeat of the great enterprise, all is lost that is worth living for, can the forfeiture of a purposeless life, to one of high motives or strong enthusiasm, be a formidable addition to the ingredients of the bitter cup.

The farther down we go in the rank and influence of insurgents, the less do these principles apply. The punishment of insurrection should be directed against the heads. It should alight, not on those who, seeing two sides before them, have taken the wrong one, but on those who have deliberately made the initial step, broken in on the peace of a state, and created the division which ranges its humbler subjects in opposite ranks. In the insurrection just ended, indeed, many of the fol-

lowers were innocent of true rebellion. They were obedient to the government which they saw established; for during several months, Scotland north of the Forth was under the rule of Mar. In many instances, those who were nominally rebels had been pressed into the service by the virtually existing government.

But even to the leaders there was a palliation on this occasion which did not attend the subsequent rebellion of 1745. The epoch of a change of dynasty is an appropriate time for strengthening the hands of the new government so as to suppress opposition, but it is not an appropriate time for a sanguinary retaliation on those whom the neglect of precautionary arrangements has tempted to resist the new order of things. It must always be remembered, that the friends of the abjured system have strong temptations, if not justifications, for setting it up if they do not see the new system firmly established. At such a juncture as a change in the occupancy of the throne, they have many excuses for desiring to try over again the great political question in which they have been defeated, if the force against them be not overwhelming.

So it was in Scotland. The Hanover succession was unprotected. The adherents of the Stewarts were tempted to try over again the question of their expulsion. Since the first mistake of neglecting to protect the country had been committed, the best remedy was to show that power enough existed for overwhelming insurrection and rendering a second outbreak hopeless. Thus would the lesson have been inculcated that the Jacobites were in the hands of their opponents, and must look to severe retaliation, if, after the new system was settled and the country's peace established, they provoked the reposing strength of a paternal government. But if, instead of forming an acquaintance with the new system as one combining power with

gentleness, they felt its strength solely in infliction, and were only awakened from a conviction of its weakness by imprisonments and forfeitures, joined to the recollection of quartered or banished kinsmen,—their associations with the new dynasty and system would naturally be tinctured with a sense of hatred and revenge, which, strengthening with years, must defy all moderation, justice, self-interest, and the other motives which make men peaceable citizens, to eradicate it. It was, at the same time, a specialty of the Rebellion, that it had its chief seat in Scotland, and that severities by the united legislature might appear to be directed less against individual offenders than a hostile nation. Such considerations weighed powerfully with the best friends of the Hanover succession in Scotland. They were brought up against the course pursued by the government, by one whose talents and virtues endeared him to Scotland; and Duncan Forbes, to whom, far more than any other man, the country owed its relief from the subsequent rebellion, predicted that excessive penalties and forfeitures following the first outbreak against the Hanover succession, would infallibly lay the foundation of another.* Forbes, at the time when he took up this stand, was an assistant law-officer of the crown. When such sentiments prevailed in such a quarter, it was vain to seek vengeance through the penal institutions of Scotland. In fact, though there were one or two military executions in Scotland, and efforts were made to enforce the new treason-law, there appear to have been actually

* See his Letter to Sir Robert Walpole.—*Culloden Papers*, p. 62. A pamphlet advocating the same view with great ability, was called—"Mercy now or never: or, a Discourse wherein it is clearly demonstrated, from Scripture, reason, the example of all civilised nations, and the judgment of the best lawyers and politicians (especially the famous Grotius, in his renowned book on peace and war), that the showing mercy to our present distressed brethren is a duty indispensable and super-eminent to all human laws." See also "Memorial concerning the State of the Prisoners on Account of the late Rebellion." Attributed to Sir David Dalrymple.

no judicial punishments for concern in the insurrection. The penal retributions were inflicted through English institutions, and were thus treasured in the Scottish mind as a national aggression and injury.

The first great supply of prisoners was naturally obtained at the reduction of Preston, which filled the western prisons to overflowing. Instant arrangements were made for punishing those who had held commissions. Thus, by order of court-martial, Captain Philip Lockhart, the brother of the annalist; Major Nairn; Ensign Erskine; and John Shaftoe, an Englishman, were shot. Captain Dalziel, when brought to trial, was able to show that he had resigned his commission, and that the vacancy was filled up, so that he escaped death; and Lord Charles Murray with difficulty obtained grace on the statement that he had made over his commission to a relation, and had drawn no pay.*

The miscellaneous crowd of prisoners were tried by commission of Oyer and Terminer at Liverpool, selected for the great judicial solemnity on account of its known allegiance to the government. A large number, found guilty, were distributed among the Lancashire towns for execution; and the public mind was brutalised by scenes too closely analogous, in their external character at least, to Jeffreys' campaign. It is painful to see, on the lists, the many Highland names followed with the word "labourer," indicating that they belonged to the humblest class.† Too implicit allegiance had been the weakness, instead of rebellion being the crime, of these men; and in many instances they had been forced into the service for which they were punished, as absolutely as the French conscript or the British pressed seaman.‡ More even to

* Lancashire Memorials, p. 176. Patten.

† See the "Lancashire Memorials," and the collection of documents published in 1717, under the title, "A Faithful Register of the late Rebellion."

‡ Among the broadsheets in the Advocates' Library (ccc. 3, 2), is "The Humble Representation and Case" of Angus MacDonald Gillie Michael, Wil-

be pitied than the victims consigned to the industrious hangman, were those who, in the mercy of the crown, were sent to the plantations, where, except a few who might be the accidental favourites of fortune, they lived in abject and harassing slavery.

The most distinguished among the prisoners were conveyed to London in a large body; and their reception in public procession, called from the zealous Whig historian Oldmixon, a comparison with the august ceremony of the Roman triumph. Tales about intriguing Jesuits, the inquisition, chains, gags, and anthropophagous Highland savages, had created alarm and anger in London, and made the Jacobites extremely unpopular. The London mob, though never sanguinary, is sufficiently rude and offensive in its exultation. Until their sickening of the continued slaughter produced a re-action, they enjoyed with boisterous hilarity the fall of the Jacobites, yelling forth ribbald lampoons, and jangling harsh music upon warming-pans, as symbolic of the reputed origin of the Pretender. Yet the victims had, in some measure, a consolation for their unpopularity, in the warmth of their sympathising friends; and as Jacobite enthusiasm has ever been apt to assume a liquid form, it was observed that, day after day, and week after week, the prisons of London, like favoured taverns at some great fair, overflowed with bacchanalian mirth and revelry. Brigadier MacIntosh, remarkable for the grim ferocity of his scarred face, attracted, in the captive procession, glances which, through the influence of his formidable presence, had in them more respect than ridicule, even from the exulting crowd. Ere he had been long among them, he performed a feat which made him still more

liam MacBain, farmer, in the parish of Dunlechity, with several others, imprisoned in Edinburgh, who represent that they were forced away from their harvest operations by armed parties, who compelled them to join the insurgents.

the object of admiring awe. While some others, like Forster and Nithsdale, escaped by plot or accident, MacIntosh, though in his fifty-ninth year, aided by some stout associates, knocked down the keeper and turnkey of Newgate, and rushed forth. Like wild beasts accustomed to the jungle, who escape from a menagerie, they felt themselves sadly at a loss how to thread the complicated streets of London, and several of them were taken. Their leader, however, escaped abroad, and lived to be a benefactor of his country by promoting its agriculture. The feat was performed on the 4th of May—the day before the fugitives were to be brought to trial. The Londoners amazingly enjoyed the pomp of justice assembling next day, to hear that the bold mountaineer had superseded its functions. MacIntosh was decidedly popular among the Hanoverian mob, who celebrated his heroism in ballads which were not flattering to their own countrymen.*

The proceedings against the most illustrious of the captives derived an eminent constitutional character from the motion of Mr Lechmere, in the Commons, on 9th of January, for an impeachment of the rebel lords. His speech was memorable in its day, and to the reader of the nineteenth century bears distinct marks of its emphatic political meaning. It solemnly announced the determination of the Commons to supersede the crown, and take the position of accusers, under the old constitutional form of impeachment. It was necessary to teach the new monarch, as well as the world at large, that the Jacobites were not merely rebels against the king, but enemies of the constitution—that this was not so much

* In one of them MacIntosh and Forster are thus emphatically contrasted:

"MacIntosh is a valiant soldier,
He carried a musket on his shoulder;
Cock your pistols—draw your rapper—
Damn you Forster, for you're a traitor.
With a fa, la, la, ra, da, ra, da."

a question between the German Guelphs and the French Stewarts, as between parliamentary settlement and the despotic principle of divine right. To assert this distinction, the Commons came solemnly forward with their impeachment—a form with which the monarch, as the head of the central government, could not interfere; and Lechmere, though a crown lawyer, well asserted the constitutional privileges of the House.

This was the first step in the impeachment of the Scottish Lords Nithsdale, Winton, Carnwath, Kenmure, and Nairn, along with the popular hero of ballad romance, Derwentwater, and Lord Widrington. And now was tried by the sternest test, the right of these men, on the plea of honest sincerity, to commit their humble followers to a desperate cause, spill blood, and disturb an empire. The zealot martyr offers stern unconfessional silence to the judicial charge—he who has well weighed, and is assured of the justice of his cause, fights it out in the new arena of the judicial tribunal; the selfish loosing gambler is penitent, and prays for mercy on the sanction of that humanity which he has not extended to the victims of his ambitious projects. The last was a sadly conspicuous element in the conduct of the impeached lords. They all, save Winton, pleaded guilty. Carnwath and Nairn, in giving their plea, as if it were little more than a form, prayed that the House would intercede for mercy to them; and they made some remarks in extenuation, speaking certainly of their conduct as a crime, but rather as if that were the accepted term which it was right to use, than as if they were guilty beings. But Kenmure and Nithsdale were servilely penitent, with confessions of guilt and adjurations of loyalty which form a degrading commentary on their conduct and character. We know that the entreaties for others to spare them were deeply urgent, and it is perhaps but charitable to suppose, that in the humiliation

of denying their principles, they had but obeyed domestic entreaties to spare themselves. It was not wonderful that the Lord-Steward should taunt them with their unhallowed endeavours to dethrone one to whose "divine virtues"—he reminded them that it was their own epithet—they now appealed for mercy. Lord Winton took a position more manly and original. He would not confess himself a traitor. It was abhorent to the descendant of his high-minded and loyal ancestors to adopt the odious expression. He had been in the army certainly, but not conspicuously or actively, and he had been driven into his position by the exasperating and cruel conduct of his enemies.* Protracted by this tardy resistance, the august pageantry of the High-Steward's Court lasted from the 10th of January to the 19th of March. The usual savage sentence was pronounced, accompanied by that customary intimation which mixed the puerile with the horrible, that, in consideration of the rank of the criminals, the more brutal and disgusting characteristics of the butchery would be omitted.

From the high rank, influential social position, and powerful relationship, of the convicts, especially of Derwentwater, efforts—persevering, resolute, almost desperate—were made to obtain mercy. The unusual incident occurred of the wives of Nithsdale and Nairn breaking through the restraints of a court, catching the king by

* "To his great misfortune, he could not be quiet or safe in his closest retirement; for many persons, both officers and others, of the militia of the shire of Lothian, under the specious pretence of serving the government, but in reality actuated by private pique and revenge, several times, contrary to law, forcibly entered by night into his dwelling-house called Seton Palace, rifled it, turned his servants out of doors, and carried away the provisions of his family. The most sacred places did not escape their fury and resentment. They broke into his chapel, defaced the monuments of his ancestors, took up the stones of their sepulchres, thrust irons through their bodies, and treated them in a most barbarous, inhuman, and unchristian-like manner."—*State Trials*, xv. p. 824. The edifice here alluded to, still a beautiful fragment of early pointed Gothic, stands as the last relic of the magnificence of Seton Palace.

surprise, and personally importuning him. The doors of the Houses of Lords and Commons were besieged by the frantic wives, and the supplicating kin and friends, seeking addresses for mercy to the throne, while they were eagerly seconded within the Houses; yet in both there was a party strongly opposed to a relaxation, not only on party grounds, but from the constitutional risk of opening the question, whether the Crown could defeat the execution of a judgment sought by the Commons and awarded by the Lords through the method of impeachment. The Commons avoided importunity by adjournment. The Lords carried an address to the crown in favour of their condemned brethren, neutralised, however, in the view of its chief promoters, by a clause limiting its application to those who should be found to deserve mercy. The King and his advisers were resolved to let justice take its course; and since there was to be so much blood of inferior and less guilty men shed, there was, so far, a commendable firmness in the resolution not to spare the greatest and the most culpable. Conjugal fidelity and devotion shed a lustre over this dark scene of factious ambition and rigid vengeance. The Countess of Nithsdale earned for herself an undying name among heroic spirits, by accomplishing the escape of her husband; and it is impossible to read her simple narrative without deep admiration of her sagacity, her ingenuity, and her daring—qualities too often devoted to selfish or perverse ends, but here sanctified by purity and self-devotion. Lord Winton, who had led a life of wild vicissitudes, and knew many handicraft arts, put his knowledge to good use, and escaped from the Tower by cutting his prison bars. Kenmure and Derwentwater met their fate with quiet firmness,—the English lord revoking his penitence when he saw it to be certainly useless, and dying in the allegiance on which he had acted. The fate of Carnwath, Nairn, and Widrington,

was suspended until their lives were protected by the Indemnity.

The fate of some prisoners taken in Scotland, raised strong national feelings against the government, even among its friends. Eighty-nine of them having been removed from the other fortresses, and concentrated in Edinburgh, were thence conveyed, on the 3d of September, to be tried in Carlisle. This was immediately denounced as a breach of the judicial independence of Scotland; but the prisoners, in the hands of a military force, had been carried beyond the jurisdiction of the Scottish courts before judicial intervention could be attempted. A subscription was raised in Scotland for their defence, as a national rather than a political object, to which many zealous Hanoverians, including persons in government employment, contributed, undeterred by the indications that at St James's all such countenance was to be treated as a sort of partisanship with rebellion. Some eminent Scottish advocates went to the Carlisle Assizes, to give the accused, and the English counsel engaged by them, professional advice. Against their assertion, that the Treaty of Union was infringed, an act of Parliament was adduced, which, for the convenient trial of the rebels, and especially for relieving Lancashire of its plethora of captives, legalised their trial in counties away from the place of apprehension. The act might satisfy English judges, but it was so far from affording national satisfaction in Scotland, that it only aggravated by comparison the grossness of the outrage. In fact the statute was known to have been brought in, as its phraseology showed, solely with a view to England; and thus it could be fairly shown how the government was so fastidiously attentive to English privileges that it would not shift prosecutions from one county to another, without an act of Parliament, while a multitude of Scottish captives were removed for trial in England without a

thought. It is evident that when the matter was examined, the eminent English lawyers appointed on the commission saw danger in the execution of serious punishments against persons so brought before them. Many of the prisoners were released without trial; others were formally condemned to death; but not one was executed, though several of them appear to have compounded for the miserable lot of transportation to the plantations.*

A general act of indemnity at last relieved the fears of those who felt their safety compromised and their exertions cramped by the daily prospect of being involved in some formidable charge. By subsequent events, however, the government were certainly supported in the belief that, between sympathy with the rebels, and national distaste of the treason law newly imported from England, convictions of treason could not be obtained in Scotland. In the year 1718, after much deliberation, an effort was made to put the treason law in operation in Scotland—a historical incident not generally known, as the policy of the Scots concerning it from the beginning was the silence and resolute inaction which defeated it. A commission of Oyer and Terminer was sent northward, with a body of English professional and official assistants. The court was opened at Perth, on the 17th of September, when bills were presented against Fullarton of that ilk, and James Freebairn, the printer attached to the Jacobite army; but all that is related of them is that they were ignored. Finding the experiment a failure so near the Highlands, the judges next opened their commission in Dundee, where presentments against Fotheringham of Powrie, and a person named Watson, being ignored, the attempt was there abandoned. In Fifeshire they were more fortunate in the initial step. At Cupar, true bills are reported to have

* Account of the Rebellion, appended to the History of Scotland. By J. W. [Wallace], M.D., Dublin, 1724. 4to. Rae, p. 387.

been found against Lord George Murray; Sir James Sharpe, the representative of the archbishop; Sir David Thriepland of Fingask; and the son of More of Stonywood—but from causes, the exact nature of which it would not be easy now to discover, no attempt appears to have been made to proceed any further. A commission was next opened in Kelso, where all the bills were ignored.*

Among the punishments inflicted for participation in the rebellion, must be viewed the course taken with the episcopal clergy, who had naturally been tempted to come forth in distinct and flagrant advocacy of the cause which they were known to have at heart. In the north, there lingered still a few of the old ministers of the Stewart dynasty, who, qualifying under the Comprehension Act of 1695, were permitted to retain their parochial benefices. The small remnant existing through twenty-five years of tolerated obscurity, under a system which had now the decided preponderance even in the north, consisted in general of moderate-minded men advanced in life. To such of them, however, as had a lingering spirit of Jacobitism, a temporary Restoration among them was a sore trial, and it is not wonderful that a considerable proportion compromised themselves. They were viewed with jealous scrutiny by their presbyterian neighbours; and the church courts were for

* Scots Courant for September 1718. Chalmers' Caledonia, i. 872. Haig's History of Kelso, p. 89. The account of this transaction cannot well be satisfactory to the reader, as it certainly is not to the author; but the affair is one on which contemporary writers are silent, and there is no discovering the records of the commissions of oyer and terminer. To see how such prosecutions could have occurred after the general indemnity of 1716, it is necessary to suppose that those prosecuted came under the exceptions of persons remaining after the insurrection in the Pretender's employment, or who, having fled, had returned without license. Thus these prosecutions seem to have been raised against persons still acting in disaffection. On the whole, it would be desirable, however, to possess more distinct information on the subject.

some time much occupied in trials and depositions for failing to obey those injunctions of the ecclesiastical courts which indicated loyalty to the Hanover succession. It was, however, among the episcopal clergy who had no connection with the establishment that the zealous clerical advocates of Jacobitism were found. Their punishment lay with the state, and they were prosecuted in clusters under the Toleration Act, with its penalties for failing to qualify, and officiating without praying for the royal family. A distinction began, at this period, to be taken between clergymen who held orders from the Church of England or Ireland, and those whose authority came from the disestablished Scottish hierarchy; but it was not till a later time that the persevering Jacobitism of the purely national Episcopal communion made the legislature draw a broad line between the privileges of the two classes, which nearly removed all toleration from the native episcopal church. It was, as we shall find, from the epoch of the rebellion of 1715, that the British government was awakened to, and acted on, the fact that the Hanover settlement had a great friend in the Scottish Presbyterian Establishment, and a bitter enemy in Scottish Episcopacy.

The country had scarcely tasted of repose after the insurrection, when it was startled by the intelligence that the booted King of Sweden, for whom no design was too wild to be beyond the possibility of success, had sworn to drive King George from the throne of Britain, as he had driven Augustus from that of Poland, and to restore the Pretender. From sources never yet made public, government had acquired the certain information that the Swedish resident in London was employing his opportunities, as ambassador, in arranging with the Jacobites for their co-operation in a descent. As such plotting with the internal enemies of a government is ever deemed an atrocious violation of the law of nations, so, on the

other hand, the apprehension of an ambassador is deemed a daring violation of that code, never to be justified but in the certainty of his treachery.

On the night of the 29th of January 1716, a detachment of foot guards silently invested the house of Count Gyllenborg, the Swedish representative. General Wade knocked at the door, and desiring to see the Count, laid hold of the papers he was making up, and called in a guard to secure him. A cabinet which Madame Gyllenborg refused to unlock, as she said it contained linen and plate, was broken open, and Wade secured documents sufficient to justify an act which, next morning, created dismay among the foreign ministers in London.

The wrath of Charles had been roused by the siege of Stralsund and the aid given by the Elector of Hanover to his opponents. The chief agent in arranging the affair, was the indefatigable Baron Gortz, so celebrated for his complex, ingenious, and futile diplomatic combinations. This restless personage was flying hither and thither throughout Europe in multitudinous disguises, and as it was deemed necessary that, to complete the exposure, he should be put at the disposal of the British government, he was with difficulty caught on a flying visit to Holland. The publication of the principal papers connected with the negotiation at once justified the British government in its act of self-defence.*

It is true, that in his ruined fortunes, the project was an impossibility to Charles with his native resources. "The only thing I see wanting for our purpose," says Gortz, in his correspondence, "are men of war and transports," a material want in a project of invasion.†

* "Letters which passed between Count Gyllenborg, the Barons Gortz, Sparre, and others, relating to a design to raise a rebellion in his Majesty's dominions, to be supported by a force from Sweden."—See also Tindal, ii. p. 507.

† All the details of the project show extreme recklessness. "We were," says Gortz, "to carry with us a sufficient train of artillery, arms for ten or

But the means were never among the calculations of the hero of Narva, and he had accomplished things so wonderful, against all probabilities, and almost possibilities, that nothing he undertook could be well deemed desperate. The correspondence, however, revealed possible elements of success in the alliance with Peter the Great, which, in the conjunction of the two leading spirits of the age,—the politic civilising hard drinker, and the restless, reckless, destructive abstainer,—was to rule the destinies of Europe. Mar had a relation named Erskine, an eminent medical man attached to the household of Peter the Great, who was expected to be of service in bringing the alliance, if it took place, to bear on the interests of the Jacobites. Though disclaimed by Peter, the negotiations were not abandoned on the other side, until a cânon ball at Frederickshall settled the question.

The apprehensions from a restless ambitious monarch had scarcely subsided, when others more substantial sprung from the projects of a priest, no less restless and ambitious in his own sphere. Alberoni had been detected in his conspiracy to depose the Regent Orleans as a step to the union of France and Spain, under his own foolish master. The Regent, feeling that the natural enemy of his position was the junior branch of the house of Bourbon, leaned to Britain as the most effective alliance for France, and resolving seriously to discountenance the Stewart cause, entered into the quadruple alliance against Spain.

Thither the Jacobites now turned their eyes. The Duke of Ormond, who had taken refuge in France, received a summons from the mighty Cardinal to a conference at Madrid, whither he was followed by two young

twelve thousand men more, with requisite stores of ammunition. We were to land at the places whither we should be directed, so that we should have carried with us all that is necessary for acting, except horses, which we expected to find in the country."—*Letters, etc.*, p. 52.

Scotsmen, the Earl Marischal, and his brother afterwards Marshall Keith. Their movements required to be cautious and well disguised, as the two countries being at war, all passengers between them were liable to rigid scrutiny.* Before they had reached Madrid, the Cardinal had arranged his project, and he sent the two young men to Valadolid, to adjust the details with Ormond. In addition to the supplies furnished to the Duke of Ormond, who was to land in England, the Keiths demanded 4000 stand of arms, and 10,000 pistols; but the well-drained treasury could only afford the half of each, and the young men were to be accompanied by six companies of infantry, to cover a landing. Leaving his brother to accompany the expedition from St Sebastian, the younger Keith had the perilous duty of whispering the great secret to the Jacobite refugees dispersed through France. He took counsel with Tullibardine, Seaforth, Campbell of Glenderule, and a few other exiled leaders, with whom at last, after much exertion, he embarked in a small vessel of twenty-five tons at Havre, on the 19th of March 1719. After narrowly escaping capture by the fleet sent in search of Ormond's larger department of the expedition, they found the Earl Marischal and their other friends, who had been dispatched with the force from Spain, at Stornoway, in the Lewis. In this little force there was serious division. Lord Marischal was the person intended by Alberoni to take charge of the expedition, but, by some finessing, a commission from the Chevalier was produced, which had been intended for vesting the chief command in Tullibardine, if the Swedish king's expedition had embarked. He took the command of the men, but Marischal kept

* See the account in the autobiography of Keith. He was surprised by the respect which he and his brother received from some Spanish officers, and discovered afterwards that it arose from the Pretender being then expected to enter Spain in disguise.

authority over the vessels, as specially committed to him by Alberoni.

The main feature of the design was to land on the west coast, and, marching through the glens, surprise Inverness, then feebly garrisoned, and form a centre for the re-assembling of the clans. The adventurers were so long delayed, however, by disputes and other incidents, that the government were prepared to crush the attempt.

It was the middle of May ere the small expedition entered the solitary Loch Alsh, which winds deep among the high, abrupt, but green and cheerful mountains of the west. Landing the men, the vessels returned to Spain. The first operation was an endeavour to fortify the entrance of the inner reach of the loch, called Loch Duich; and they occupied the old fortalice of the Mac-Kenzies, Island Donald Castle. Impregnable in old Highland warfare, the rude square tower could offer little resistance to modern gunnery; and three English vessels of war, entering the loch, battered it to pieces. The Spaniards, with their Scottish companions, and the auxiliaries who joined them, making in all about 1500 men, encamped in temporary huts in the wild solitude of Glenshiel. Hearing of the defeat of the main expedition by a storm, and disappointed in the amount of reinforcements expected from the Highlands, they seem to have remained dubious and inactive. General Wightman, with a force of 1600 men, accompanied by portions of the clans in the government interest—the Frasers, the Monroes, and the Sutherland men—marched westward from Inverness early in June. Few places could afford better passes for defence than Glenshiel—a narrow valley, pierced by a deep, roaring torrent, with precipitous mountains rising on either side to a vast height, and only to be crossed by rugged winding footpaths, unknown except to the natives. On the 11th, Wightman arrived in sight of the position; and in his despatch, he acknow-

ledged that he hesitated to venture on a contest in such formidable ground. His plan was, to send a detachment farther up the mountain, so as to harass the enemy from above during the main attack, which began at five o'clock. Contrary to the usual character of Highland battles, the contest lasted for three hours, having been apparently all along a struggle for the advantage of ground. Neither party was absolutely victorious, but it was resolved next day, that the Spaniards should yield themselves prisoners of war, while the Highlanders were able, among those formidable mountains, so effectually to disappear, that none of them could be caught. Lords Seaforth and Tullibardine, though both wounded, escaped by the aid of their friends. Wightman lost 21 men, and counted 121 wounded; but he had the triumph of bringing into Edinburgh 274 Spanish prisoners.*

* Keith's Autobiography. Scots Courant, May and June 1719.

CHAPTER XVIII.

The Exiled Court, and its Scottish Followers—Rivalries and Scandals—Jealousy towards the Jacobites at home—Operations of the Party—Attempt to establish Trustees—Policy of the Government—Deposition of Argyle—Its Effects on the Presbyterian and Whig Party—Jacobite Designs on him—His Restoration—Lord Ilay and Duncan Forbes—The Scottish Secretaryship—Transaction of Business—Commission to Dispose of Forfeited Estates—Feud with the Lawyers and the Country—The Court of Session—Attempt of the Government to make one of the Commissioners a Judge—The Disarming of the Highlands—Attempted Projects of the Exiled Court—The Highland Forts and Roads—The Malt-Tax—Insurrection in Glasgow—War with the Edinburgh Brewers—National Conflict with the Revenue System, and its Effects—The Porteous Mob.

THE government, relying on the powerful diplomacy of Lord Stair, sought one security for the peace of the country in the removal to a distance of the Prince whose existence was a perpetual centre round which foreign hostility could always gather. It was the interest of the Regent Orleans to keep well with the English government; but it was also his interest to preserve in his possession every possible latent instrument of hostility, and France could never possibly be in a position where it was not desirable to have a Pretender to the British throne at hand, ready for use when the occasion offered. Nominally beyond the French territory, it was convenient to have him virtually within it at Avignon or Lorraine. But Lord Stair was as conscious of this convenience as the Regent. His hands were strong, and he took the tone which is ever most effective for a British diplomatist—stated exactly what he required, and re-

fused to accept less. He thus obtained a stipulation that the Pretender should henceforth live beyond the Alps, and should, under no circumstances, be permitted to set his foot on the territory of France.

In his retirement into Italy, the Prince carried with him a small body of his adherents, and others remained scattered over France; but all busied themselves in projects for a restoration. The multitudinous letters and memorials of these petty courtiers have been greedily sought out, as if they were a mine of enduring interest; but the portions of them which have seen the light have generally been discarded, by a kind of re-action, as less worthy of notice than they will be found on examination to be. Their contents certainly do not elevate our notions of the dignity of human nature; but it can easily be imagined that this is a function beyond the capacity of men who, instead of assisting in the development of human progress, stand apart in hidden corners, unable to find their place in the world of life. To read these effusions with patience, we must remember the blighted hopes and distorted feelings of the writers. Their wild anxiety to see some terrible political convulsion, fraught with ruin to the millions of people earnestly struggling on and doing their duty as loyal subjects in the British Islands, would seem fiendish did it not proceed from an isolation which made these living masses seem to the writers no more sensitive objects of consideration than the wind or the water that drives a wheel.

It almost lightens the character of their pernicious desires to contemplate the aërial emptiness of the hopes on which they were eternally building their restored kingdom. The loyal prowess of the Highlanders—the surly discontent of England—the orthodoxy of Ireland—the perverseness of the Cameronians, who were ever on the border of alliance with them, but never crossed it—were not all their elements of hope. France, Spain,

Sweden, Russia, were, by some accident, ever affording an impulse to their bright, ephemeral hopes; and even Turkey was not overlooked in the possible contingencies by which "it might please God to restore the King to his dominions, and conclude the sufferings of his oppressed people." In the year 1722, one of these visionary expectations communicated itself to Britain in substantial alarm. Its effect was chiefly felt in England, as the invasion was to be by the Thames, and it led to the parliamentary trial of Bishop Atterbury on a bill of pains and penalties, passed on evidence so subtle that its sufficiency, though amply confirmed by the late discovery of documents, was doubted in its day.*

In the intervals between the exciting incidents which afforded temporary hope and exertion, there was idleness, but not repose, at the exiled court in classic Albano. The statesmen, such as they were, not having wholesome political work in the actual business of a state on their hands, like the active men who, at watering-places, take to gambling, occupied themselves in the intrigues, connivances, and enmities for which statesmen really busy cannot afford time. It is true that the immediate rewards for which they contested were scanty enough—but those in the visionary future, were made transcendantly great by the small number of the competitors; and, with the proverbial selfishness of human nature, the few who still clustered most closely around the shadow of the Stewart monarchy, tried to reduce the number of expectants by tripping up each other. There were among the exiles many instances of fortunes honourably discarded for a principle, and calamities borne in the proud humility of mournful silence. But these were not the people who became most prominent in the annals of the Jacobite refugees. The supposition that an exiled

* See the printed volume of the "Stewart Papers."

court is subject to desertion only, and not to the treachery which had surrounded it in its tottering greatness, was not realised at Albano. When it is known that there was one signally deep traitor in the little group, antecedents will readily point to Mar as the man. He seems to have attempted, in multitudinous forms, to better himself through such injuries as his master's ruined condition was capable of still suffering. Culprits like him are not put on trial, and the historical evidence against them is vague; but there can be little doubt of Mar's perfidy, even without believing the assertion of his embittered coadjutor, Lockhart, that he embezzled L.2000, scraped together by the impoverished Jacobites to further their cause. He did not, however, omit such opportunities as occurred of plotting for his adopted cause when he conveniently could, and so he appears to have communicated with Sunderland, the British minister, a plan for enlarging the Elector of Hanover's continental dominions, on the condition of his assenting to a restoration,—a project about which Sunderland seems to have consented to hear, from the chance so afforded him of penetrating the real designs of the enemy. The communications of Mar with his old convivial companion, Stair, during his embassy in France, have naturally not been sufficiently revealed to be specifically narrated; but they bear the indelible hue of treachery.* It is clear that, at the first moment of his flight abroad, he was ready to sell himself, had he, at such a moment of helplessness, been worth buying. After an interval of apparent fidelity to his exiled master, he was placed by the British government on allowances, which, including a permitted jointure to his wife from his forfeited estates, exceeded L.3000 a-year; and though he did not receive a pardon, as that could not be accomplished without an act of Parliament, his

* See Hardwicke's State Papers, ii. 556, *et seq.*

friends were desirous to reinstate him as far as they practically could. These favours appearing on the parliamentary report which denounced the Atterbury Plot, created the darkest suspicions against him as being the traitor who had revealed those cyphers which the servants of the English government pretended to have discovered by their own ingenuity.*

When his fellow-exiles first heard of his good fortune, they significantly remarked that such benefits were not conferred by statesmen for nothing.† Mar avowed that this munificence was intended to purchase his neutrality or inactivity; that he was thenceforth "to continue not to meddle with affairs as he has done for some time past." But the capriciously treacherous nature of the man was shown in his offer to the exiled court to cheat the British government even out of this negative return, by continuing to serve his master with his old zeal.

The act deemed the consummation of his treachery

* The shape in which Mar betrayed the cypher is distinctly indicated in a letter from the titular Earl of Inverness, in the "Lockhart Papers," ii., p. 205. It would appear from these papers that Mar's allowances were known to the Chevalier before the report on Atterbury's plot. If the documents whence this is inferred are authentic, they show that the Chevalier illustrated the genuineness of his descent from Charles I. by his intense duplicity, for, at the time when he had the blackest suspicions of Mar, he says to him,—"This step, which you propose to make, will enable you to be of more service to me whom you love, than you could be otherwise in the way you are; so that, all things considered, I have not, on my own account, any objection to the matter, and heartily wish you may not be disappointed in your expectations, which is all I can say on the subject; for being as thoroughly convinced as I am, of your zeal and attachment for me, I can assure you nothing can make me take any umbrage on that head."—*Lockhart Papers*, ii., pp. 179, 180.

† "When one is sure that money is actually given, it's much more natural to think that the person who receives it must deserve it in some shape or other, whatever he may pretend, than to believe it is possible for him to dupe those who give it—for George's ministers are men of sense, and are not surely to be imposed upon."—Murray of Stormont to Hay, titular Lord Inverness. —*Stewart Papers*, p. 69. Mar admitted that the allowances would "make as much as the value of his whole effects, were they put into his hands as he had them formerly."—*Ib.*, p. 68.

was, however, his presenting a state paper called "The Memorial," to the Regent of France. Ostensibly it was a project for betraying Britain into subjection to France; but the Jacobites believed that it was a design to serve the British government, by making James Stewart odious to the British people. This scheme, arranged in the autumn of 1723, representing the advantage to the French government, of humbling the Parliament and people of England, proposed to balance that power by a dismemberment, and an adjustment of the powers of a Scottish and Irish Parliament. These two Parliaments would naturally take the side of France and the King against the Parliament of England. The treaties disadvantageous to France might then be annulled, and new treaties arranged. This project was to be enforced by a French army aiding the Jacobites, and before the French left the soil of Britain, the new internal constitution of the country was to be completed. The project was laid before the Regent; but the Chevalier was so well advised as not to adopt it, or even acknowledge its receipt, and thus, as his rivals maintain, Mar was baffled in his design of making the exiled Prince adopt a project which would have for ever doomed his chance of mounting the throne of England.*

Mar was at last superseded as the principal adviser of the barren crown in Scottish matters. It is only characteristic of the state of the exiled court, to find that his more honest successor, Hay, the brother of Lord Kinnoull, who received the title of Earl of Inverness, was reported to owe his influence at court to the meretricious blandishments of his wife. Whatever falsehoods may be in this and other like imputations, on which it would be unprofitable

* The history of these intrigues is to be chiefly found in the volume of the "Stewart Papers" published in 1847. Some additional light is derived in quotations from Coxe's MSS. in "Mrs Thomson's Lives of the Jacobites," i., p. 198, *et seq.*

to enter, it has to be said that the accusations were issued from the exiled court itself, which must rest under the scandal either of the offences or the calumnies. It was the hope of the exiled monarch's best friends, that his alliance with the Princess Clementina Sobieski, who bore him two sons, would rescue him from low intrigues, and raise for him such a pure household home as princes sometimes know better in exile than in prosperity. But he was as little suited to adorn the domestic circle as the camp or the council; and amid contentions of the vilest kind, the wife buried herself in a nunnery, complaining of outrages, which the new ascendant party met by counter-accusations of haughty exaction and surly impracticability of temper.

Along with the personal jealousies among the exiles, a standing feud ripened between their whole body and the Jacobites at home. The one class was dispersed through the territory to be governed, and had the function of catching all opportunities, developed by the motions of British parties, for furthering a restoration; the other clustered round the person who, when it should be accomplished, would be lord of all. It appears that these were interests thoroughly incompatible with harmony and mutual trust. To create an executive on the spot, somewhat after the example of the Lords-Justices who represented the crown when King George went to Hanover, the versatile Lockhart proposed that his King should appoint trustees to act for him in Scotland, and named the men to whom he recommended a commission to be made out. Though Lockhart, desiring that the Chevalier should consider this proposal privately, sent his son to Rome, to put the letter containing it into his own hands, the Prince consulted with those about him before he sent an answer. He received the proposal vaguely, ingeniously observing that a regular commission might compromise those named in it, and that a

general understanding that his friends would act for him would, in the meantime, suffice.

This operated like all equivocal acceptances of projects which the proposers are determined to push. Lockhart accepted it as a substitute for a commission to the trustees he had named, and set them at work as a regularly authorised body, while the court abroad viewed it as a mere general invitation to the friends of their interest to do their best in services to the cause, which had no sanction of authority unless they were accepted by its head. There was, it is true, little to be done, which could raise a dispute about powers. Vain efforts were made to strike alliance with some great English party, and futile hopes were founded on the defection of Sunderland and Carteret, when the settlement of the South Sea scheme led to the ascendancy of Walpole. The approach of the general election of 1722, by the conclusion of the first septennial Parliament, quickened their efforts; but the party could never work effectively through constitutional movements. The Commons were, with one or two doubtful exceptions, undoubted supporters of the Hanover settlement. The Jacobite party scarcely appeared openly; and Lockhart, who says in his usual manner, that the returns were the result of the grossest official perversion and individual tergiversation, oddly enough admits that he had himself incurred much obloquy because he required, for private reasons, to vote for a representative so identified with the government as the Lord-Advocate.* In the election of peers, the project which had been carried in the Lords and lost in the Commons, for a fixed peerage, superseding alike the crown's right of creation in England, and the elective powers of the peers of Scotland, was brought forward. But it was impossible to infuse a wholesome fear that the

* Lockhart Papers, ii., p. 88.

measure would be re-introduced, and the court list of peers to be elected was adopted. They were all counted enemies by the Jacobites, save Lord Aberdeen, who appears to have been, for some reason not manifest, acceptable to both parties.

Lockhart and his fellow-trustees were sorely perplexed about the oaths of allegiance and abjuration, which his party required to take, not only to qualify them for office, but to permit them to perform the ostensible functions of the political citizen. He thought that, unless there were a general understanding that the party should act in concert, and agree by a vote to take the oaths—the body at large thus administering to individual members a species of political indulgence and absolution—those who made sacrifices by refusing to qualify, would be conceited of their purity, and, when the day of restoration came, would assert a disagreeable superiority over their pliant brethren. He said of himself and his friends, that they were inclined "to venture themselves in the hand of God, rather than of such men as we have to do with."* He desired distinct instructions from the court at Albano, but he does not appear to have received any of a more specific kind than an injunction to his friends "to lie quiet, and to preserve themselves in a condition of being useful on a proper occasion, though that ought not to hinder them from using their utmost endeavours to thwart and oppose the measures of the government, in as far as that can be done without exposing themselves to the lash of the law." James seems to have shrunk from the idea of instructing his "subjects" to take the oath abjuring him. On such matters, and on the quarrels of the Episcopal church, which will find a more suitable place farther on, an ample correspondence was carried on between Scot-

* Lockhart Papers, p. 108.

land and Albano. Its extent shows the wonderful resources of the Jacobites, and might, if anything can, justify the vigilant spy system and scrutiny of private correspondence sanctioned by Walpole's system of statesmanship. Matters to be afterwards explained, indeed, show that the Jacobites had great local power and influence, though they had little to say in Parliament. They could often find means of smiting a traitor or enemy, with little chance of punishment. They were expert in kidnapping people whose freedom was dangerous to them; and a remarkable instance of this power, well known to the world in the adventures of Lady Grange, will receive some consideration in its connection with the social morality of the period.

Turning from the Jacobites, at home and abroad, to the Hanover party and their relations with Scotland, it will be found that the matter of deepest interest to the country after the flight of the Pretender, was the conduct of the government to that leader who was believed to have done more than any other man for the suppression of the insurrection and the safety of the constitution—the Duke of Argyle. Like Marlborough when the Masham interest was in the ascendant, he was summarily deprived of all his high offices, and, as it is historically termed, "disgraced." The immediate cause of this act is not, and may perhaps never be, known. It naturally helped other incidents to revive, in the Scottish Whigs and Presbyterians, the jealousies of England, out of which they had been frightened by the incidental risk of a Jacobite restoration. The friendly or the charitable attributed his fall to his moderation and humanity, while the hostile and malignant naturally suspected him of treachery.

The effect of the attack on one so powerful and popular among the Presbyterian Whigs, was immediately perceptible. At the meeting of the General

Assembly in 1716, a congratulatory address on the suppression of the Rebellion was prepared to be laid before the King. It gave all the temporal glory of the deliverance to the victorious general, the Duke of Argyle. When the address was voted, the Lord Justice-Clerk, the notorious Lord Grange, desirous to propitiate the prevailing influences in the government, by neutralising the honour to Argyle, proposed that the name of Cadogan should have a place in the address. After a vehement battle, this proposal was lost. An attempt, by Grange and his followers, to reject the address, was next defeated; and the popular party carried the name of their hero to the throne in triumph.*

The exiled court thought it so natural for the outraged statesman to become the enemy of the offensive government, without thinking of the country at large, that it was deemed only necessary to offer him a hint that his services were expected, and would be duly rewarded. But, however deeply exasperation may have burned into his proud heart, his memory stands free of any known encouragement to the enemy, and he found a more congenially British post of opposition, in joining the party of the Prince, in opposing the government of his father.

The annalist Lockhart is the authority for negotiations, if they may be called so, for the seduction of the fallen statesman. He tones his narrative so as to leave an impression that his party were likely to be successful; but, though little scrupulous in assertions, he does not venture to say plainly that Argyle had ever distinctly encouraged any specific proffer; and one familiar with the general proportion borne by Lockhart's assertions to the actual truth, will believe that there was not sufficient encouragement for serious proffers to be made. The account afforded by the annalist is characteristic of the

* Acts of Assembly, 1716. Wodrow's Correspondence, ii., p. 186. Life of Colonel Blackadder, p. 483.

political morality of many of his party, of their quaint ways of conducting dangerous negotiations, and of their readiness to believe anything calculated to flatter their hopes. Lockhart announced to his court his opinion, that the Duke would yield to an offer "provided it were handsomely introduced, and dexterously managed;" for he certainly would not render himself so little in the eyes of the world, as again to support an interest which had used him as a tool for the oppression of his countrymen, and then treated him with ingratitude and contumely. The ambassador sent to convince him was a certain Colonel Hutcheson, and he was to intimate the progress of the negotiation by speaking of one who was offered the present of a Scottish pony or Galloway nag. The first intimation was, that there were hopes of the Galloway being accepted; the next, that the friend would receive the Galloway, if Lockhart came with it. The important event was communicated to the exiled court in Italy; but, according to Lockhart's suspicions, Mar, in his jealousy of so potent a fellow-minister, intercepted it, for no acknowledgment came from that quarter, and the Chevalier afterwards professed that he had no recollection of the important accession.*

The cloud of court displeasure did not long rest on one so powerful, in the possession not only of a large Highland following, but of the confidence of the well-affected Lowland population of Scotland. In 1719, Argyle was appointed lord-steward of the household, and received a British dukedom. Afterwards it became the policy of Walpole to hand over the administration of Scotland to the Duke, and, when he was discontented, to his brother, Lord Ilay. This vice-royalty, in effect though not in name, was in harmony with the peace minister's method of seizing the shortest way of ruling

* Lockhart Papers, ii., pp. 13-15

effectively and beneficially, without a thought about constitutional results. The brothers had great local power. They were inclined to use it for the government, if the government would back them. It did so, and saved the statesmen of Whitehall from much anxiety and perplexity in the management of a people whose peculiarities they never could comprehend, and whose prejudices and prepossessions they were unexpectedly outraging, when acting in innocent unconsciousness of their existence.

The period when the Argyle family reached the summit of their power was the year 1725, when something like a ministerial revolution occurred in the management of Scottish business, without affecting the position of the great British parties. During the eclipse of the Duke of Argyle, the Scottish influence had been wholly, and after his restoration it continued to be partly, exercised by a sub-party who are occasionally called the Squadrone. Their ministerial leader was the Duke of Roxburgh, secretary of state for Scotland. The correspondence of the day shows that, whether from design or the natural result of a bad system, he was officially implicated in the disturbances of that year, to be presently related. He was dismissed; and the office of Scottish secretary was believed to be so inconsistent with the official subordination of a cabinet, and so fruitful in intrigues and local disarrangement, that a successor was not appointed.

At any other juncture than that which crowned the rising influence of the popular Argyle family, this would have been counted a new blow to Scotland, and the people would have lain in wait to expose the insolent ignorance of the English Secretary of State, carelessly adding the business of a nation, of whose institutions and habits he knew nothing, to the original business of his office, as if it were a trifle not worthy of thought. It happened, however, that besides the rise of the great brothers, there was another facility given to the transac-

tion of Scottish business in the contemporaneous appointment of their friend Duncan Forbes as lord-advocate. The business of the superseded secretary indeed fell into his hands, and it appears to have been because there was a man of his courage, ability, and perseverance, ready to take them up, that the greater portion of the old secretary of state's functions came to be joined with those of the first law officer of the crown.

The Scottish secretaryship was nominally restored by the appointment of Lord Selkirk, in 1731, and the last person who held the office was the Marquis of Tweeddale, who resigned it at the conclusion of the '45.

The death of George I., in 1727, created no alteration in the settlement, as it might be termed, of the government of Scotland under the Argyle administration. In the understanding that Walpole would fall, and be superseded by Compton, the prospective minister of the Prince, there was, of course, some fear of change, though in what particular direction was not distinctly anticipated. But the almost dramatic incidents connected with the restoration of the dexterous statesman belongs to the great field of British history.

On turning from the position of parties to the substantive acts of government which followed the insurrection, it will be found that the forfeiture of estates became a prominent matter in Scotland, since it necessarily affected, not only the position and fortunes of many important people, but the tenure of land over a considerable part of the country. In addition to the forfeitures against convicted insurgents, a large breadth of land was forfeited by acts of Parliament, passed for attainting the Lords Mar, Tullibardine, Linlithgow, Drummond, Marischal, Southesk, Seaforth, and Panmure. It may be thought, that to realise and distribute the forfeited estates for the public benefit, could have been no difficult task; but the measure by which this was accomplished

was, through the unfortunate heedlessness of the British legislation of the day, a keen wound to Scottish nationality. By act of Parliament, the whole matter was put into the hands of a body of commissioners, consisting of gentlemen having large parliamentary influence, of whom Sir Richard Steele was one.* The phraseology, as well as the tenor of the act throughout, was evidently directed to secure popular favour, and instead of the usual expressions about forfeitures which appear to carry them to the sovereign even when they go into the public exchequer for the public use, care was taken through this act to indicate, that the confiscated property was to be applied to the public service, and misapplication by the crown was carefully obviated by a clause nullifying all gifts of the forfeitures. Yet, in the midst of all this, there was deposited matter of national dissatisfaction to Scotland. Any one who read through the tedious statute could see that though it was to be chiefly in force in Scotland, it had been prepared by men who knew only the English institutions and English phraseology, calling young men "infants," and wives "femmes covert," and talking of persons "seized of an estate tail in possession," and of investment "without further office or inquisition."

The commissioners were appointed to deal summarily with the estates as if they were so much contraband goods in the hands of revenue officers. But the provisions could not be thus enforced. Scotland had long boasted of a scientific system of land registration, and like other arrangements for the tenure and transmission of property in constitutional countries, even an order of the supreme legislature, if it did not set at work the old established machinery, could not provide a new arrange-

* "An Act for appointing Commissioners of the Estates of certain Traitors, and of Popish Recusants, and of Estates given to superstitious uses, in order to raise money out of them severally for the use of the publick."

ment for disposing of private rights. There were creditors, and other persons, who had patrimonial claims on the estates, and they applied to the constituted authorities of the country, through which all such claims in ordinary cases required to pass. The commissioners appointed Receivers, but the name was a novelty in Scotland. The Court of Session knew no such functionaries, and the commissioners had no means of invigorating their receivers with effective power. The Court of Session, in the application of creditors and other claimants, granted Sequestration of the estates. The commissioners, in their turn, did not know what sequestration meant, and were angry, but impotent. Applying to the government for increased powers, they complained that they were interrupted in transacting their business by a body calling itself the Court of Session, which exercised so much authority over Scotland, that the commissioners could find no means of getting their orders and decisions put in force, while they were baffled by claims and adjustments made under strange technical expressions which they did not understand. A bill was brought in forthwith to remove the difficulties, as if the administration of proprietary justice in Scotland were part of the official function of the executive which must not be disturbed.

The judges of the Court of Session now deemed it necessary to come forward in public defence of the legal system committed to their administration. They represented that, by the Treaty of Union, the internal laws of Scotland were preserved, along with the courts whose function it was to administer them. These laws, and the functions of the courts, might be altered by Parliament from time to time, but they maintained that the appointment of a separate tribunal, not cognisant of, or bound by the rules of Scottish law, having a large portion of the property of the country put at its disposal, was not a legitimate alteration of the system by Parliament, but

was a transference of the parliamentary power of disposing of it to an executive body unknown to the constitution.* They mentioned, that they had never been consulted about the bill, of the contents of which they had only accidentally heard in time to enable them as the guardians of the law to protest against it.

The remonstrance did not prevent the passing of the measure, which was opposed in the House of Lords by the Duke of Argyle and Lord Ilay, and carried by 82 to 76. It empowered the commissioners summarily to sell the estates, and give effect to the claims of creditors, as in the administration of the bankrupt law. The sequestrations made by the Court of Session were annulled, and any persons professing to hold under them were to be proceeded against in exchequer, as persons, under the revenue law, contumaciously withholding the property of the Crown. But, whether or not owing to the judicial remonstrance, an appeal was provided from the decisions of the commissioners to a court of delegates, consisting of the judges of the Supreme Court.

The forfeited estates were principally purchased by the celebrated York Buildings Company, who made efforts to improve the country and create a spirit of enterprise, in which they were baffled, not only by the inconvenience of corporate management, but from their alien and almost hostile repute in the community. Their difficulties are characteristically shown at this day by the many serious litigations to which they were parties, reported in the books of decisions. The sale of the estates brought but trifling sums to the public, for whose benefit they were professedly appropriated. From

* Memorial by the Lords concerning a bill under the consideration of the House of Commons in Parliament of Great Britain, intituled in their votes,—"A bill for enabling his Majesty to grant relief to the wives of the forfeited persons, and for relief of creditors upon forfeited estates, and for the effectual bringing the rents and profits of the said forfeiture into the exchequer."

the clannish spirit of the Scots, it never was easy to realise much sterling money from a forfeiture; and on this occasion there seemed to be a tacit combination through the community to enclose the property with a net-work of debts, burdens, and old family settlements, through the meshes of which the commissioners could only extract fractional portions. The lawyers had the triumph of seeing that the plan to sell property held under the complex tenure of Scottish feudality like contraband merchandise, proved a failure; and it was found necessary to pass an act re-adjusting the estates, in the new hands to which they passed, to the dominion of the old feudal rules.

In the meantime, the Parliament House found an opportunity for appropriately showing dissatisfaction with the government in its unceremonious usage of national institutions. Mr Patrick Haldane, a gentleman who had made himself useful as one of the commissioners for disposing of forfeited estates, received from the Crown an appointment as a judge of the Court of Session in the year 1722. The Faculty of Advocates, led by Duncan Forbes, resolved to oppose that appointment. They found that it was so far in literal conformity with the Treaty of Union, that Haldane had been five years a member of their body. But he had only nominally belonged to them, like men eating their terms at the inns of court in the present day. He was a member of Parliament. Having been a commissioner of forfeited estates, it was alleged that the performance of his official functions was incompatible with the supposition of his having really practised as an advocate. The intensity with which their passions were engaged in the matter, was shown by minutenesses, of which they would certainly have seen, in other conditions, the ludicrous effect. It was insisted that Haldane seldom gave himself the trouble to wear a gown, but might be

seen occasionally in the courts with his sword; and the fictitiousness of his professional position was brought to a climax by the statement, "that Mr Haldane had not so much as a pin put up by the Faculty's gown-keepers, so small was his attendance." Long pleadings were heard on either side, and the Court came to the conclusion that Haldane had not made out that he was qualified to be received. Sharp and almost hostile communications passed in the meantime between the Court and the Government. But as the form in which Haldane was excluded, was a judicial decision, it was taken up to the House of Lords, and there reversed, on the 4th of February 1723.

When the reversal was opened in the Court of Session, a scene signally indecorous, even as it is told in the records of the Court, occurred. The Lord-President, citing some acts of Parliament which required that no person be received as a judge unless he be known to them as a man fearing God, and of good fame, stated "that he was very sorry to be obliged to say that Mr Patrick Haldane's fame and character were bad among people of all ranks and denominations." It was asserted that this evil fame was well founded, for, when he had taken the oaths of allegiance and abjuration as a professor in the University of St Andrews, he had acted as a thorough Jacobite, and had drunk the health of the Pretender, on his knees, in sundry taverns. There was a feature singularly suggestive of the origin of the war against him in one of the accusations, which was that he had plotted to send Scottish prisoners to Carlisle; and it was said, for the purpose of making this an offence, that the persons he plotted so to send were good loyalists, who had been serviceable to the government. Lord Grange added a thoroughly characteristic element to the charges, that Mr Haldane, when professor of ecclesiastical history, "instead of attending divine worship, several

times diverted himself with his companions, on the Lord's day, by singing to the psalm tunes the arguments of Spenser's cantos, intermixed with much noise and laughter, and by disporting himself at the Quaker meeting in the Grassmarket."

Evidence was led on these charges, as in a criminal prosecution. The bench were nearly equally divided about the result, and the judges were disputative, fierce, and intolerant of their opponents. The state of the vote was disturbed by the unexpected intervention of a class of dignitaries called Extraordinary Lords of Session. These were men of high rank, who held the judicial title among their other orders; and though they had a right to sit and vote on the bench when they thought fit, they had not been accustomed to act since the Revolution. On this occasion, however, they came forward and turned the majority against Haldane—only of one,—in his favour. Again the law judges burst into angry battle on the question whether the votes of the Extraordinary Lords could be counted in such a matter. The whole incident is, to those who study the tone and temper of Scotland at that period, extremely interesting, from its bearing on the alienation which the treatment of Scottish institutions by England was creating. It had, of course, gone deep into other quarters, when it created turbulence and contest on the supreme bench.

The government, perhaps, acted wisely. They saw that such an appointment, carried by force, would do much to injure the administration of justice in Scotland, and the nominee was withdrawn. But, resolved at the same time to abolish a local judicial authority, incompatible with the due performance of the responsible functions of the crown's advisers, an act was passed leaving to the judges only the power of reporting the matter, if a nominee should appear to them professionally disqualified on his examination, reserving to the crown the abso-

lute right of appointment. By this act, which was passed in 1723, an opportunity was taken for abolishing the Extraordinary Lords, as an anomalous relic of the old judicial system of Scotland.*

Among the precautionary measures adopted by government soon after the suppression of the insurrection, was an act for disarming the Highlanders. It applied generally to the counties north of the Forth, and the mountain districts of the west. The method of the act was to denounce heavy punishments, mounting, on repetition of the offence, up to transportation, against those guilty of being seen in arms. But there was no specific organisation for disarmament, and the natural result would be only to make the Highlanders cautious, and careful not to be caught in small armed bodies near the garrisons or the Lowland frontier. General Wade, in a report to the government, asserted that this act was entirely evaded. As it provided compensation to the well-affected, on resigning their arms, he said the public money was given profusely for old useless weapons, while the effective arms were kept out of sight. He even asserted that a quantity of obsolete weapons were imported from Holland, as a good speculation, to draw the government bounty, while the Spanish who landed at Glenshiel left so many effective weapons behind them, that the Highlanders were better armed than ever. The act made provision for the cessation of the military feudal services, but in an equally ineffective manner, as if those who prepared the measure did not desire to see it practically in force.

By an act of 1725, a more direct method of disarming was adopted, in the summoning of each clan to appear at a certain place, and resign their arms. The function of superintending this operation, along with others of a

* Minutes of the Faculty of Advocates. Books of Sederunt, General Register House. Act 10 Geo. I., c. 19.

more important character, was committed to General Wade, who, in a survey of the Highlands, had made the suggestions on which the government proposed to act. When he reported on the success of his mission, he said that he was met in the utmost cordiality, with immediate offers of a complete and hearty surrender by the clans—a characteristic feature, since, unlike the grumbling Saxon, it is the method of the Celt to profess cheerful acquiescence, in yielding, or professing to yield, to necessity. The MacKenzies were the first to come forward, offering to resign their arms at Brahan Castle, and stipulating, with curious pride, that they should yield them up to regular troops, and that no parties from the loyal clans should be present. From this clan alone, nearly 800 sets of arms were received. Their example was rapidly followed by the northern and western clans, who were each, in groups, required to bring their weapons to some central spot; and ere the advance of autumn required that Wade should withdraw his forces into winter quarters, he believed that the formidable mountaineers were entirely divested of their weapons, and had made up their minds heartily to adopt the ways of peaceful men.* It would be difficult, indeed, for language to provide more contrite admissions of past error, and ample professions of future rectitude, than those which were scattered at the feet of the English general by the most zealous of the Jacobite leaders; and he seems, though an excellent engineer officer, to have known so little of the nature of the people as to believe in their sincerity. He assured the Sovereign, that the once formidable Highlander was now a simple peasant, with his staff in his hand; and readily warranted the country, if his precautionary system of roads and fortresses were carried out, against any farther Highland insurrec-

* See Marshal Wade's Report, in the Appendix to Burt's Letters. The Gordon Letters. Miscellany of the Spalding Club, iii., p. 228.

tion.* Yet the contemporary correspondence of the Jacobites indicates, what subsequent events confirmed, that the Highlanders, with the inscrutable diplomatic cunning peculiar to their race, had over-reached the military negotiator, and committed a quantity of effective arms to places of concealment.†

The conduct of the exiled court about the disarming, was of little contemporary moment; but it is curious, as evidence of the restless and domineering spirit which had joined it to rule its counsels, in the exiled Atterbury. Cameron of Lochiel, in his place of refuge in France, received a brief, peremptory note, signed by the Bishop with his ecclesiastical title, requiring him, if possible, to meet the writer next morning in Paris, bringing with him his son and Sir Hector MacLean. The result of their conclave is shown in an address, dated the 13th of May, in which Cameron, MacLean, and Clanranald, representing that the pending measure threatened the utter ruin of their poor country, that it was only to be averted by a vigorous effort, and that they were ready to act with the rapidity which the imminence of the occasion required,—implored, if his Majesty approved of their view, that he would send them instructions and the necessary resources.‡

* See, in the Appendix to Jamieson's edition of Burt's Letters, the Letters of Submission by Stewart of Appin, Chisholm of Strathglass, MacDonald of Glencoe, MacDougal of Lorn, the Laird of MacKinnon, and others. Rob Roy, who, with his followers, was excepted in the Act of Indemnity, appears among these contrite penitents with high claims for consideration; for, while they have nothing to urge in their favour but the inconceivable folly and weakness in which they yielded to temptation, and the clemency of the best of kings, Rob founds on actual services, pleading that, though he professed to join in the unnatural rebellion, he had used his opportunities to inform Argyle of the motions of the traitors.

† See Lockhart Papers, ii., pp. 154, 192; and the Stewart Papers.

‡ The two letters here referred to are in the pamphlet published in 1768, called "The Private Correspondence of Dr Francis Atterbury, Bishop of Rochester, and his friends, in 1725," supposed to be edited by Lord Hailes. These documents dovetail accurately with those in the appendix to the Stewart Papers to be presently referred to.

The Bishop appears to have gone back to his court with all speed to present the memorial, which must have been to his heart's content, since it is evidently of his own vigorous penning. But in his absence, other counsels ruled at court; and the Chevalier answered it with a letter to the three chiefs and Lord Seaforth, lamenting his inability to aid any enterprise, and recommending that the Highlanders should profess submission, with, of course, as much evasion as they could safely accomplish. Atterbury was despatched with this answer, but he did not deliver it. It was of far too peaceful a character for his turbulent spirit. What he exactly did, instead of communicating this message of peace, it is not easy to determine; but the result appears, in the exiled Prince obtaining from some unmentioned quarter 180,000 livres, to be employed in purchasing ammunition, biscuit, and brandy, to be sent to Scotland, and in a prevalent rumour that the Czar would adopt his cause. On the 15th of June, he granted to Atterbury a plenary power to command his subjects in France, on all matters relating to his affairs, and especially an intended expedition to Scotland, appointing him, in fact, representative and commander of the forces. The commission was to last for six months. In conjunction with these indications, Allan Cameron, the brother of Lochiel, left Rome on the 17th of June, with instructions under the sign-manual, "To the noblemen and gentlemen chiefs of the clans in the Highlands of Scotland." He was to instruct them to defend themselves against the threatened encroachment, and to assure them that their King would speedily send them an experienced general, with officers, arms, ammunition, and provisions. Allan reached the point of Morven on the 14th of August, but evidently found that the intended effort was too late, and the existence of his credentials among the Stewart Papers shows that they were not delivered.

In fact, the King's first instruction not to resist had been effective, though the bold priest retained it undelivered. Seaforth, hearing that such an instruction had been given, directed his people to give up their arms. When they cordially met Wade, they told him that they acted by the instruction of their absent master, and thus was set the example which, as we have seen, spread among the other clans. When Seaforth was denounced for thus acting, he claimed a right to prefer what he had known to be the instruction of his sovereign, to the command of an English priest. He encountered, however, rebuke as rigid as any great victorious monarch can administer for acting without orders, and left a service where he complained that he received no sympathy with his own or his followers' sufferings, was ever subject to cold rigid exactions, and could secure no confidence or kindness.* In July 1726, he received from the British government a patent of protection from imprisonment, and a grant of some arrears out of forfeited estates. The Jacobites loudly denounced his desertion, but the exactions from him were beyond what anything but the highest enthusiasm could meet.†

He and other exiles—suffer what they might in personal sacrifices and privations, or in what was sometimes worse to bear, the unmitigable miseries of connections and humble retainers—could generally obtain from the exiled Prince no warmer acknowledgment than a decorous admission of having done their duty to him, or having

* See the Stewart Papers, 210, *et seq.*, and app. 142, *et seq.*

† According to General Wade's Report on the Highlands, the payment of arrears on his estate, was but completing the returns which Seaforth had previously received, as he says the person acting there as receiver for the Commissioners of Forfeited Estates had seized on that office, backed by 400 followers, and transmitted the money raised by him to the exiled Lord, on one occasion entering Edinburgh in great pomp with L.800, to be sent to France.

acted with becoming submission, accompanied with an admonition to continue in the same line of conduct against all difficulties, as if he were a priest inculcating a religion for which all things must be endured. He sometimes rose to the point of bestowing his high approval on some great sacrifice; and perhaps he meant by this that he would remember it when he had at his command the riches of the empire so vastly increased since his family had been exiled. He was as arbitrary and exacting to his followers as if he felt himself already in possession of the sources of rewards and punishments; and where a deposed king of the old feudal system would have bade his followers God-speed them to find a more fortunate leader, or stick by their old master if they liked, and take their chance of weal or woe,—he knew nothing but the rules of rigid compliance to the religion of his own divinity, and permitted no relaxation, unless it were required for the laudable purpose of pretending to desert his cause, to serve it the better by entering that of the British government.

Though Wade, in his reports, exulted as one who had not only removed all the means of insurrection, but eradicated the very spirit of insubordination, he yet was cautious enough to recommend more solid securities for the peace of the Highlands, drawn from his professional resources. Following his suggestions, an armed galley was set afloat on Loch Ness. Two considerable forts were built, one in Inverness, afterwards superseded by Fort-George, the other at the western extremity of the loch, which still stands as Fort-Augustus; while square towers, like the old Highland fortresses, were dotted here and there among the remote glens, in which small guards were placed, as in the Irish national police-barracks of the present day. But the service to which his name became chiefly attached in subsequent times, is the system of roads with which he penetrated the Highlands. To

have some conception of the change created by these great works, it is necessary to realise the previous facilities for transit in the Highlands. The old mountain-track, as specimens of it still exist, is found by the traveller so slightly distinguished from the natural surface of the hill, that he cannot easily conceive himself treading on the path which the people of the country have used for unknown centuries as their means of transit. The vegetation on it is stunted; the stones are whiter than elsewhere; in the black mossy clay between them may be found the impress of the feet of cattle—these are all signs so faint that the apprehensive traveller feels incapable of so absolutely ascertaining their absence or presence as to be sure that he is preserving the road; but if he look beyond the traces immediately beneath his eye, he will find that the path has a general distinctness in the expanding features of the scenery, and its direction may be caught in the distance through the dark heather, where the greater amount of bare stones imparts to it a whiteness, faint but distinct, like the milky way in the sky. The rapid ascents and descents, the broken staggery ground; above all, the occasional abrupt slant of the road as it winds round in the slope of some declivity, make the conducting of droves of cattle along it—the main purpose for which it is used—appear to the uninitiated a feat of campaigning enterprise second only to that of taking cavalry across some great mountain range. Burt—the clever engineer officer who assisted in the construction of Wade's roads, and gave a lively account of his experience of the Highlands—crossing such a track, described it as consisting "of stony moors, almost impracticable for a horse with his rider, and likewise of rocky way, where we were obliged to dismount and sometimes climb, and otherwhile slide down." "But what vexed me most of all," continues the engineer, the pride of his profession rising in revolt within him, "they called

it a road."* There were, of course, no bridges, and the traveller was subjected to the capricious fluctuations of mountain streams, which, swollen from the tiny brook of the day before into the roaring river, might compel him to retrace his weary steps when he believed his journey to be nearly accomplished, or tempt him to retain the advantages of his previous exertions by risking his life in an effort to cross the stream. As these roads were not only the pathways between contiguous glens, but the main arteries which connected the great district of the Highlands with the rest of the realm, sudden floods rendered the main streams frequently impassable, and thus isolated large territories from the rest of the world. Not only in the Spey or the Tay, on which there were then no bridges, but in streams far smaller, the swelling would be so sudden from the bursting of mountain springs, that instances have been known where the inexperienced traveller entering the ford, a shallow stream clattering on its pebbles where his dog might walk behind him, had to contend with a furious torrent ere he reached the opposite bank.†

* Letters from the North of Scotland. Along the border of Loch Oich, where many stage coaches now pass, Burt describes a place called "The Maiden's Leap," where "the rocks project over the lake, and the path was so rugged and narrow, that the Highlanders were obliged for their safety to hold by the rocks and shrubs as they passed, with the prospect of death beneath them. This was not the only dangerous part, but for three miles together it was no where safe, and in many places more difficult and as dangerous as at the entrance, for the rocks were so steep and uneven, that the passenger was obliged to creep on his hands and knees. These precipices were so formidable to some, that they choose rather to cross the plain and wade a river on the opposite side of the opening, which, by others, was thought more hazardous in its kind than the way which their fear excited them to avoid."—*Letters*, ii., p. 214–215.

† Burt saw a party crossing a ford on one of the main roads. "I saw," he says, "they placed the strongest towards the stream, as best able to resist the force of the torrent. In their passage, the large slippery stones made some of them now and then lose their footing, and on those occasions the whole rank changed colour and countenance. I believe no painter ever remarked such strong impressions of fear and hope on a human face, with so

The sagacious officer of engineers, whose experience of the pristine state of transit has been just referred to, naturally looked along the track of his completed labours with complacent admiration. "The roads on these moors," he says, "are now as smooth as Constitution Hill; and I have galloped on some of them for miles together in great tranquillity, which was heightened by reflection on my former fatigue."*

But the natives exhibited the proverbial thanklessness of primitive races receiving gifts from civilisation unsuited to their usages. They still crossed the old tracks, or preferred straying on the surface of the mountain, to employing the hard, gravelled English roads. Their obdurate, unvaried surface might suit the English clown, with his heavy, iron-clenched shoes; they were a suitable surface to be powdered by the heavy wagon, dragged grinding along by sleek, iron-shod horses: but the Highlanders were either barefooted, or wore thin brogues of untanned skin, which the gravel pierced or frayed; their small horses were unshod,—indeed, having to seek their food, like goats, among rocks and bogs, shoes would have been an unsafe impediment to their free motions. Then the old paths on the bare mountain-sides, if they had their hardships and dangers, had their amenities. Though the cattle required to keep the trodden centre, there was, to the pedestrian, mile after

many and sudden successions of those two opposite passions, as I observed among those poor people."—i., 306.

In the course of one of his professional journeys, he found himself, at the commencement of October, thus situated: "By a change of the wind, there happened to fall a great deal of rain in the night, and I was told by my landlord the hills presaged more of it, that a wide river before me was become impassable, and if I remained longer in the hills at that season of the year, I might be shut in for most part of the winter; for if fresh snow should fall, and lie farther down on the mountains than it did the day before, I could not repass the precipice, and I must wait till the lake was frozen so hard as to bear my horses."—i., 329.

* Letters, ii., p. 193.

mile of elastic heather or dry velvet turf; and even the dangers and casualties of the passage, presented that excitement and variety of incident, that contrast of ease with vigorous exertion, which could not be compensated to the mountaineer by the uniform drudgery of the dusty road.

To the chiefs and lairds, who saw farther into the objects and probable effects of these operations, they were fraught with a deeper source of anxiety and apprehension. They had already seen an armed galley, capable of conveying fifty or sixty soldiers besides the crew, built and launched on Loch Ness. Temporary stations, occupied by small military parties, became consolidated into barracks, and finally became forts bristling with cannon. Such strongholds, stationed here and there, with broad roads between them, on which the heavy artillery of modern warfare might be dragged with ease, seemed destined at once to paralyse the armed power of the Highlands. They were, indeed, truly military roads —laid down by a practical soldier, and destined for warlike purposes—with scarcely any view towards the ends for which free and peaceful citizens open up a system of internal transit. Hence, though they made an easy communication between the central government and the main districts of the Highlands, they served commercial and agricultural purposes but scantily, and were of little use for the conveyance of grain or merchandise, for access to the fisheries, or for the increase of enterprise in the towns. The general direction of Wade's roads, as completed in ten years, may be thus described:—The line still known as the Great Highland Road, proceeds from Perth north-westward by Dunkeld and Blair-Athole. Leaving these comparatively fruitful and smiling vales, it plunges into the savage solitudes of Drumouchter, of old renowned for tales of bandit horror, and proceeds through many leagues of mountainous moorland, still

preserving its ancient desolation, to Inverness. A subsidiary line, passing from Stirling through Crieff, enters the narrow valley, walled by rough precipices, called Glen Almond, familiar to the readers of Wordsworth as the "still place remote from men." Thence the branch sweeps past Loch Tay, and joins the main Highland road at Dalnacardoch. Another main road traversed the island from shore to shore, through the succession of valleys in which the Caledonian Canal was subsequently cut, thus connecting the capital of the Highlands with the two strongholds, Fort-Augustus and Fort-William. To open the communication more directly between Fort-Augustus and the south, a branch, striking off from the great Highland road, where it turned eastward, crossed towards the north-west, the great dreary hill of Corryarick. This, the most truly Alpine road in the British dominions, is now seldom used but by drovers; it has been left to decay, and large portions of it have been swept away by torrents, so that the zig-zag lines by which the military engineer endeavoured to render the steep side of an abrupt mountain accessible to artillery, have been tumbled into heaps of rubbish like natural scaurs.

These appear to have been the only roads projected and executed by General Wade.* Subsequently, the system was enlarged by branches passing by Loch Lomond, where the wild MacGregors thronged, and by Callendar, to the main Highland road already mentioned, and other roads were added in the districts, to the north-west of Inverness and the great chain of lakes between the east and the west coasts.

It may now be well to turn from these Highland operations to some contemporary matters, which seriously affected the internal tranquillity of Scotland. Among these, attempts to adjust national taxation be-

* Burt's Letters, ii., p. 185.

came—as such attempts often do—calamitously prominent. Though there was, as we have seen, much discontent about the conduct of the English revenue officers immediately after the Union, it lulled down when the cause was seen to lie rather in national manners and bad taste, than any desire to oppress the Scots with taxation. Perhaps the irritation thus developed induced English statesmen to avoid the subject of gradually bringing the burdens of the two countries to a proportional equality. But that always vain attempt, which Turgot called plucking the fowl without making it cry, had to be adventured in 1724. From that time there raged in Scotland for many years a fiscal conflict of the saddest character, producing a continued train of national calamities, and occasionally bursting forth in appalling tragedies.

The government desired to raise L.20,000 in Scotland, by a tax on malt. Indeed, nominally the country was already subject to the same tax as England—6d. per bushel—but it had not been collected. It was now resolved to levy a portion of it. There is no better account of the specific nature of the original design, than that which Lockhart gives in his Register of Letters.* As he claims credit for having, with his Jacobite coadjutors, fomented the national antipathy to the measure, "quietly and underhand," it may be questioned if his account of it is quite faithful. He says that the intention was to levy 6d. a barrel on ale in Scotland, and to deprive the country of the export bounty on grain, while it was to be still enjoyed by England. Violent addresses were sent from various bodies of country gentlemen. Under the organisation of the active Jacobites, the indignation of these country gentlemen grew deeper; and designs were entertained for the constituencies, in a body,

* Lockhart Papers, ii., p. 134, *et seq.*

declaring that those Scottish members who voted for the measure were not their genuine representatives, and choosing others—probably to meet in Scotland, and merge into a national parliament, should the dispute deepen.

The measure, as originally proposed, was, however, abandoned. But a malt-duty was passed. It introduced itself to the notice of the Scottish people in one of those strange, lumbering statutes, which create extensive legislative changes, not under some comprehensive term, but by special enumeration of particulars. The part especially directed against the money of the Scots was wordy enough, since it enumerated a quantity of superfluous things not produced in Scotland, providing that, "within and throughout that part of the kingdom of Great Britain called Scotland, there shall be raised, levied, collected, paid, and satisfied unto and for the use of his Majesty, his heirs, and successors, for and upon all malt, mum, cyder, and perry, the several and respective rates, duties, and impositions hereinafter mentioned;" and so on in an inextricable maze of piled-up sentences, completely new to jurisconsults whose notion of the language of the laws—and especially of those which were intended for the direction of persons not educated as lawyers—was, that it should be distinct and brief. The very title of the act was longer than many of the entire statutes of the old Scottish Parliament, and contained a heterogeneous jumble, eliciting scornful laughter wherever it was read.*

But, open as the clumsy act of Parliament, put together collectively from the fragments supplied by the

* Act 1 George II., cap. xii.—"An Act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and twenty-five; and for transferring the deficiency of a late Malt Act to this Act; and for explaining a late Act in

several English revenue offices, might be, it contained one sharp sting in the new tax on malt. It amounted merely to 3d. on each bushel, but it was professedly, in the terms of the act, laid on to draw Twenty Thousand Pounds of sterling money from the people of Scotland; and if the duty, as originally laid on, were to fail in producing that amount, there was to be a surcharge on maltsters to make it up.

This modification of the original project appears to have been deemed so likely to be peacefully received, that none of the Scottish members opposed it; but, apparently owing to the diligent exertions of the Jacobites, the public mind had fermented, and a crisis was not to be escaped.

The malt-tax was contemporary with the disarming act and General Wade's march to the north. Though his operations were directed against the old enemies of peace and order in the Highlands, he found uses for his troops in the low country, which made the government and its military operations supremely unpopular throughout the whole of Scotland. The method of levying the malt-duty was open to those charges of being inquisitorial, which harassed the existence of Walpole, and baffled his favourite schemes of taxation by what he deemed a barbarous clamour. The brewers of the chief towns met in conclave in Edinburgh, and organised a resistance to the tax; and they were not grieved to find that the first demonstrations against it were taken out of their hands by a more formidable power.

Daniel Campbell of Shawfield, the member of Parlia-

relation to stamp-duties on newspapers; and for appropriating the supplies granted in this session of Parliament; and for disposing certain overplus money to proper objects of charity; and for making forth duplicates of exchequer bills, lottery tickets, and orders, lost, burned, or otherwise destroyed; and for giving further time to clerks and apprentices, to pay duties omitted to be paid for their indentures and contracts."

ment for Glasgow, lay under the suspicion of having given government the information on the habits and statistics of Scotland, necessary for the preparation of the malt-tax, as well as of having exposed a system of evasion of duties in the Scottish tobacco-trade. Such charges exposed him to the odium of being a spy and a betrayer of his country. He was one of a new class arising in the Venice of the west,—potentates of the exchange and counting-house, who had their ships upon the sea, and their correspondents over the face of the commercial world. They were forming a grade distinct from the merchant or domestic trader whose business and gains were precisely known to his neighbours, but, at the same time, one which the old feudal gentry were not prepared to welcome into their social circle. Slowly this class were appearing as a living testimony of the blessings of the Union. Under a participation with the great English trade, the ruined streets of Glasgow had been rebuilt, and she was rising,—a city in place of the village which the Navigation Act of the Restoration had ruined. The class thus rising in wealth, however, was as yet very small. Far from being accepted as a national compensation for the daily decay of the feudal gentry, they were viewed with more jealousy than satisfaction; and when they were seen pushing the indolent old aristocracy from their stools, and gradually acquiring even territorial rank, the prejudices of the common people for old families and old ways were deeply outraged, and they were inclined to enumerate the enriching of the western merchants among the evils, rather than the benefits, of the union with England.

Campbell had just built for himself a handsome new mansion, and some manifestations of popular disgust made him apprehensive for its safety. He sent to Wade, then in Edinburgh, for military assistance, and a party of 110 men was sent westward. The 23d of June, the

day when the malt-tax was nominally to come in force, was conspicuous for extreme popular restlessness in Glasgow. Next day it was known that English troops were at the order of the imperious and suspicious member, and the cry went forth, that having betrayed his countrymen he was now going to enslave them, by bending their necks beneath a military yoke, and to butcher them if they resisted. At midnight the mob rose, and, with a man in a woman's dress leading them, tore Campbell's new house to ruins. The member was engaged in a convivial party with the magistrates, all joyful in the prospect of the danger being over, when news came to them of this outrage. When the troops arrived the guard-room was not in a condition to receive them, and they were quartered through the town. Their commander, Captain Bushell, desired to know from the provost, if he should beat to arms; but, apparently under the influence of his convivialities, the magistrate would not, or could not, give a distinct answer. Next day the men were quartered in the guard-house, which became the main object of the mob's capricious hostility. The sentinels were galled at their posts, and the mob misjudging, as it generally does, the cause of the patient discipline which bore their insults, aggravated them until the military spirit could endure them no longer. The party were ordered out, formed in a hollow square, and fired. It was reported that eight of the people were killed, and several wounded.

A cry now arose that the English troops were slaughtering the people. It was no longer a mere street riot, it was coming, as the citizens felt, to be something like a war of independence. A rush was made on an old magazine of arms—probably those which had been sent by the Convention to arm the Cameronians at the Revolution. The spirit of resistance grew so formidable that there were fears for the small military party being torn

in pieces—"De-witted," as it was termed, by the mob. The provost recommended that they should be removed, and they marched to Dumbarton, hooted forth on their way by the victorious mob, infuriated by an exaggerated account of the slain. The vicinity of Wade's force, on its way northward, afforded an opportunity of crushing this outbreak not to be neglected. A regiment of foot, seven troops of dragoons, an independent Highland company, and a field-piece with its service, were sent westward from Edinburgh. This formidable force at once created quietness, accompanied by lively apprehension in those who had countenanced the outrages. Duncan Forbes of Culloden, who had just commenced official life as lord-advocate, accompanied the force. It was an inauspicious entry in public life for one who became illustrious for his patience, mildness, and thorough devotion to the interests of his countrymen. He had formed strong notions on the wickedness of resistance to taxation; and what his conscience dictated to him he carried straight out. He instituted a criminal investigation, in which, to their dismay, the magistrates found themselves included. Thus the citizens saw their dignitaries confronted by a crown lawyer and an English soldier, and sternly questioned, as any of themselves might have been before one of these same magistrates. In the end, a party of prisoners were removed to Edinburgh, with the magistrates at their head, for the Lord-Advocate refused to permit them to be bailed. They applied immediately to the Court of Justiciary, and that high tribunal, the members of which were not all friendly to the ministry, found that they were entitled to be released on bail. This was deemed a triumph, and on their return westward they were met and escorted to their insulted city by a triumphant procession. No criminal prosecution seems to have been raised against them, but several of the rioters were punished more or less severely.

The cry against Captain Bushell, for acting without authority from a magistrate, rendered it necessary to bring him to trial. A verdict was found against him, but he received a royal pardon. It is pretty clear that he had only used the military commander's privilege of defending his post, and that he had made no aggression on the people. But this leniency was remembered twelve years afterwards, and steeled the hearts of those who determined to execute on Porteous the judgment of the nation, for a crime which it was believed that the government would not punish, because the Scottish people were its victims. Glasgow was deeply exasperated by this series of afflicting events; and the Jacobites, as they are represented by their annalist, Lockhart, enjoyed a bitter exultation at having planted this rankling arrow in the heart of that community who had been the most zealous promoters of the Revolution and adherents of the Hanover interest.*

A war against the new tax was carried on in Edinburgh, in a more pacific, but, at the same time, a more formidable shape. It was known that the brewers were prepared to combine and take advantage of the popular clamour. Measures were taken for the protection of the revenue, and what was deemed the public interest, in a strange manner, and in as strange a quarter. The incident, indeed, is powerfully illustrative of traditional peculiarities in the administration of justice in Scotland, calculated to overwhelm an English common lawyer with astonishment. The supreme court of law, followed up its old prætorian authority by regulating the commerce in beer, and protecting the drinkers from imposition, by "An Act for preventing the Sale of bad Ale." The seventh article of the Treaty of Union spoke of the Scots ale as a liquor retailed at twopence the pint, and it

* Wodrow's Analecta, iii., p. 215. Clelland's Annals of Glasgow, i., p. 25. Lockhart Papers, ii., p. 161. Pamphlets, Ad. Lib., ccc., 3, 16.

seemed, though the article was descriptive merely of a special class of ale, as if it were a stipulation in the great treaty that it was never to cost more. It was a question whether the brewers would take this view, and reduce the quality of the ale, or retain its quality and raise its price. The lawyers believed that they could settle this question better than the purchasers and the brewers together, and they laid down regulations so minute as even to prohibit customary gratuities given to the draymen on the occasion of laying in the periodical barrel of ale. The instigator of this interference was Duncan Forbes, a great and worthy moralist, but a very bad political economist. He was tempered in his hard straight-forwardness by the more practised political penetration of Lord Ilay. The brewers met, after having laid up a considerable surplus stock of ale, and resolved simultaneously to abandon farther brewing. "Compel them to go on," was the only answer Forbes could find to the question, What was to be done? In his eye, this combination, followed to its ultimate conclusion, involved the general dissolution of society. Not only would the people be rendered ungovernably discontented by sudden bereavement of their beer, but their very bread also would be sacrificed, since the bakers would lose the yeast necessary to leaven their dough. Having got the length of depriving the people of bread, it was not difficult to predicate other momentous consequences. Inquiries were actually made how far assistance in such a difficulty could be obtained from country brewers. It appeared that none of them would venture to approach the metropolis, and encounter the combined brewers of Edinburgh. Plans were spoken of for taking the assistance of Wade's army, and dragging beer from a distance by the dragoon horses. When brewers, commanded to proceed with their trade as usual, refused to do so, Forbes demanded that they should be com-

mitted on a charge of conspiracy. The brewers rejoiced to hear of this design; it would make them martyrs in a great public cause, and entitle them to the grateful consideration of their countrymen. The contest was like that which, on a larger scale, was carried on by the French directory with the trades-people, who were guillotined if they gave up a losing trade. At the instance of Lord Ilay, who feared the result of strong popular exasperation, the final ordeal of imprisonment was deferred. In the meantime, however, by his advice, the brewers were compelled to feel the gripe of the law by a heavy surcharge for omitting to find security for the duties on their stock in hand. The most remarkable part of the story is, that in the end the brewers yielded. The Court of Session and the Earl of Ilay constituted, in a town like the Edinburgh of that day, a combination so far too powerful to be fought by any combination of tradesmen, that a body of this class offending them, whether justly or unjustly, would be held guilty of an act of imprudence calculated to lose to them the countenance of all their sagacious fellow-citizens. With incidents, which Sir Robert Walpole thought it worth while to describe with far more than his usual animation, the compact opposition, on the defection of one of its members, crumbled away.*

* "They fell into debates, and various opinions began to arise among themselves; and at last they unanimously agreed to be determined by a question —*Brew or not?*—which being put by the chairman, he began to take their votes *seriatim* at the right hand; but his right-hand man thought it an hardship upon him to be obliged to speak first—the left-hand man thought so too—and they could get nobody to give his vote first. At last, one Gray declared he thought they had nothing now left to do but to return to their trades—that he would not be bound by the majority, but began the vote, and voted *brew*. He was immediately followed by another, upon which two warm ones hoped they would hold out till their brethren were set at liberty; but these not being supported, the assembly broke up; and such of them as had their things in readiness, fell to brewing that night; and on the 28th, at noon, about forty brew-houses were hard at work in Edinburgh, and ten more at Leith."—*Sir Robert Walpole to Lord Townshend*, Sept. 3—*Coxe*, ii. p. 466.

These incidents occurring at the same time as the renewed Irish clamour about Wood's half-pence, gave much uneasiness to the government during the King's absence in Hanover. It was seen that some people in office in Scotland were suspiciously indifferent to the enforcement of the policy of the ministry. To show, through a signal example, that this would not be countenanced, the Duke of Roxburgh was, as we have seen, deposed from the office of secretary of state. Walpole expressed himself deeply grateful to Lord Ilay, who might, by a leaning to the popular side, have served the interests of the Jacobites, to the serious embarrassment of the government; and it was not forgotten that, for what they gained on the occasion, he risked, if he did not really lose, in influence over the populace.*

The malt-tax affair was only the beginning of fiscal troubles. The privilege of milder taxation is perhaps the last which a poor nation, coming in alliance with a rich, is induced to relinquish; and it has been found in such unions under despotic governments as were effected in Spain and France, that, when all else of nationality was abandoned, equality of taxation was resisted with heroic devotion. Indeed, desirable as fiscal equality is, it sometimes becomes unjust. The poor and barren country, which has perhaps long struggled against the haughty jealousy of its proud, prosperous neighbour, must have time to come up to a social level with it, ere it can bear to be taxed by the same rule. Scotland has fortunately, during the nineteenth century, and for some years before it commenced, been thus one with England. There is a single characteristic difference in the taxation of the two countries; but it has arisen out of incidental circumstances, and can scarcely be attributed

* Lockhart Papers, ii. p. 165. Coxe's Walpole, ii. p. 438, etc. Culloden Papers. Life of Duncan Forbes. Books of Sederunt of the Court of Session, 1725.

to the inequality of their social position. But for more than half a century after the Union, English fiscal burdens were as unbearable to the Scots as they would be to the Norwegians at the present day. And the very elements of poverty and sterility and scanty population, which rendered the burden unendurable, also rendered it impossible for the executive, do what it might, to lay it firmly on. With a seaboard probably greater than that of England, to a country inhabited by little more than a tenth of its population, the facilities for smuggling, were there much pecuniary temptation, would be naturally very great. When there are great profits to be made by the trade, it becomes almost impossible to create a public feeling against it—the sacrifice of enforcing the duty never can be made to appear commensurate with the advantage to the public. But in Scotland there was the insuperable barrier of a general feeling, that the new taxes were the yoke of slavery set upon the country by England. Thus, to evade or defeat them, far from being deemed a vice, was viewed as one of the hardy virtues of the nation, and the successful smuggler was a well appreciated hero.*

*. One who saw and bitterly lamented this spirit thus describes it, after dwelling on the expectations of improved trade which followed the Union:—"But, unfortunately, the people took the most mischievous of all turns: In place of pursuing fair trade, they universally, with the exception of Glasgow, Aberdeen, and one or two places more, took to smuggling; their small stocks they invested in goods that bore high duties, and, under the favour of running those securely on our wide and ill-guarded coasts, they flattered themselves they should soon grow rich, profiting at least of the high duty, which by running they were to save.

"Though this scheme proved destructive to almost every adventurer who entered upon it, though it was bottomed on fraud and dishonesty, and though it evidently tended to what it has very near accomplished, the total ruin of the country; yet so blind, or rather perverse, were the people, that they, without hesitation, and almost without exception, gave in to it. The smuggler was the favourite. His prohibited or high duty goods were run ashore by the boats of whatever part of the coast he came near; when ashore, they were guarded by the country from the custom-house officer; if seized, they were rescued; and if any seizure was returned and tried, the juries seldom

All classes united in giving him support. He did not require to keep up a furtive system of signals worked by vigilant and laborious accomplices. Wherever he landed, if he evaded a revenue cruiser, he was sure of aid from the cottars, the farmers, and even the country gentlemen, whose servants and cattle were immediately pressed into the pleasing task of removing the run cargo. One class only of the community protested against this general practice—the burgesses of the trading towns.* But they did not obtain credit for disinterested virtue, as it was known that smuggling could be suppressed much more easily in the harbours of the towns than in the creeks of the coast, and the smuggler was ruining the legitimate trade of the burgess.

Those who wrote against smuggling maintained that it was pecuniary ruin to the nation. They were wrong in the supposition that all purchase of foreign commodities with bullion must be injurious to the purchasers at large; and even their facts about the use of tea and other luxuries smuggled from the Ostend Company, in themselves rather show a slight increase in wealth than prove that the country was becoming impoverished. But, independently of religious and moral considerations,

failed to find for the defendant. These circumstances gave the running trade the appearance of absolute security; and have so thoroughly destroyed the revenue, that the customs are hardly able to pay the salaries of their own officers.

"Gain expected was the temptation that drew the traders into this villanous project; and a dislike to the Union, an ill opinion conceived of the first set of custom-house officers that were sent down hither, an unwillingness to favour the revenue, on a supposal that the money thence arising was to be remitted to England, and partiality to their unhappy countrymen who were dipt in this trade, together with small bounties and presents received from the smuggler, drew the bulk of the people in to favour them."—*Some considerations on the present State of Scotland, in a letter to the Commissioners and Trustees for Improving Fisheries and Manufactures.* Attributed to Duncan Forbes, pp. 4, 5.

* See a Letter from the Annual Committee of the Convention of Royal Burrows, etc., for preventing the pernicious practice of smuggling, 1736.

the denouncers of this universal contraband system were certainly right in maintaining it to be pernicious to the country. A smuggling trade is not necessarily a losing one, even though the payments be made, as they generally must be, in specie. If the community draw in bullion with one hand, while they are paying it out with the other, the pecuniary balance-sheet may be very prosperous. But smuggling is, in its moral nature, a wasteful, extravagant, tantalising, dissipating trade. It tempts to over-expenditure, to idleness, to improvidence. It induces people to pay with the one hand, while they are not receiving with the other. Hence the complaints of the scarcity of bullion simultaneous with the progress of smuggling, seem to indicate that the country was gambling away her resources in this pernicious traffic. It was speedily seen by those who looked beyond mere short-sighted selfishness, that it was frightfully demoralising the people. It produced, beside the evils already mentioned, imposition, perjury, and bloodshed. False custom-house oaths came to be palliated, if not to be considered in some measure as heroic sacrifices. It was deemed fortunate that they were put in the English form, and a writer on the practice of the court of Exchequer recommended, that on all solemn occasions, the oath should be taken in the Scottish form, lest the swearer should adopt the light impression that he was merely taking a custom-house oath.*

These evils were early seen by the clergy. In 1719, the General Assembly passed an act of earnest exhortation, "showing the sin and evil of running unentered goods, and of the perjuries in the custom-house in matters of trade." But it had no influence on the strong motives against which it declared war, and the practice went on deepening and spreading daily. Forbes,

* Baron Scrope's History of the Court of Exchequer, p. 32.

and other patriotic statesmen, lifted up their voice in earnest entreaty, and showed in powerful language, and with fully the legitimate amount of argument, the ruin brought on the farmer, the landowner, the artisan,—on every solid and respectable citizen of the country, by the practice. But the immediate gain to individual traders too far overbalanced the general sacrifice by the community to let its interests obtain a hearing.

Amid all this, the idea of moderating and adjusting the system was never dreamed of. Forbes, in his patriotic earnestness, was ever tightening and hardening the penal restrictions; and, even after the consummate failure of each such effort, demanding that it should be tightened and hardened again. Since the smugglers could not be caught on land, let them, he said, be caught at sea; and thus was introduced the practice of seizing and forfeiting vessels at sea, in which the goods were packed in such a manner as to facilitate their being run.

The curiously partitioned judicial institutions of the country, the political effect of which will have to be noticed among the causes of the Rebellion of 1745, had an influence in making the smuggling contest appear to be neither a trade dispute nor a class dispute, but one of nation against nation. The revenue officers, looked upon always as an English force, or what was worse, renegade Scotsmen in English pay, received little countenance from the local authorities. They were not aided in the enforcement of the law, and, on the other hand, if they happened in conflict with the smugglers to draw blood, they were rigorously pursued. The crown could not afford them protection, without incurring the charge of countenancing the oppression and slaughter of the people of Scotland; and the criminal records of many years are filled with perplexing prosecutions, which have less result in the establishment of guilt or innocence in the persons concerned, than in showing that there were two

parties almost of a national character—the government desiring to suppress the traffic, and the people of Scotland, from the considerable landed gentry downwards, trying to defeat the government. Even the justices of peace, who were made on the English model to carry out the revenue system, were great patrons of the contrabandists.

The influence of this fiscal war was at length exhibited in a memorable tragedy, so well known through the genius of Scott to all the educated world, that only the necessity of preserving the continuity of events excuses a brief account of it here. The sea-port towns dotting the coast of Fife, were the abodes of bands of daring smugglers, the representatives of the race who, in the previous generation, had been buccaneers in the Indian Seas. One of these, named Wilson, exasperated by frequent seizures and penalties, laid a plan for retaliation by plundering the custom-house in Pittenweem of government money, and it was boldly executed with the aid of a youth named Robertson. They were caught, tried, and condemned to death; and the government being like themselves exasperated, their fate was pronounced inevitable. When in the Edinburgh Tolbooth they managed, with the connivance of two horse-dealers, in a cell above them, to cut the iron stancheons of a window—some of the party singing psalms to drown the noise, while the others filed the iron. One of the horse-dealers escaped; but Wilson, who attempted obstinately to follow, was so bulky a man that he stuck fast in the opening, and rendered discovery inevitable.

The fate of his companion lying far more heavily on his conscience than the robbery of the custom-house, when attending the condemned sermon according to wont in the Tolbooth Church, seizing his opportunity when the congregation were departing, he sprang on the keepers like a tiger, held two with his hands, and one with his teeth, and called to his companion to run.

Robertson struck the other keeper down, and mingling with the departing worshippers, who did not care to interrupt such a fugitive, escaped. Wilson's doom became, of course, doubly sure, but it was rumoured that the interest attached to his fate had determined his desperate companions to rescue him. His execution was fixed for the 14th of April 1736, and precautions were taken to secure the peace of the town, not only by the presence of the city-guard, or municipal gendarmerie, at the place of execution, but by the vicinity of a detachment of the Welsh fusileers. Though the mob was lowering and restless, the sentence was executed, and the body had hung some time. A tempestuous rush, arising no one knew how, then occurred in the crowd, who swept away the body from the executioner. Attempts were made to restore animation. The presence among them of a corpse bearing marks of violent death, has, since the days of Julius Cæsar downwards, had ever a maddening effect on crowds. They began to grow furious and attack the guard. It is said that Porteous, then commander of this force, had been irritated by various incidents; among others, by the presence, or rather vicinity, of a detachment of the line, which he counted an infringement on the privilege and dignity of his own civic body. The guards twice fired on the people. Several persons, chiefly belonging to the class of small tradesfolk, who were looking peaceably from their windows, and had no connection with the mob, were killed or wounded. It is a disputed matter if Porteous gave the order to fire. It was maintained that he not only did so, but carried it out by discharging his own piece, or seizing and firing a musket belonging to one of his men. The populace took the darkest view of the matter, calling up many old instances in which, as head of the police, he had been their enemy. It was necessary to bring him to trial for having, as a military commander,

slain citizens without the authority of the civil magistrate. He was convicted and sentenced to death in the usual manner. A rumour ran, that the English government would not permit a military man to be executed merely for shooting Scotsmen, especially in support of punishment for a daring attack on the revenue system, and it was believed that Porteous, like Bushell, would be pardoned. When a reprieve actually arrived, signed by the English secretary of state, it was not the less angrily received than it had been anticipated.

There were no symptoms of immediate violence. It was supposed that the public fervour had cooled down, for five months had elapsed since the tragedy, and two since the commencement of the trial,—when, on the night of the 7th of September, the Edinburgh mob suddenly rose, as if by inspiration or pre-organisation, seized the ports, armed itself from the town guard-house after overpowering its inmates, and, demanding access to the Tolbooth, began to attack the door. As on previous occasions, fire was found the available instrument. The door was burned, and the mob, obtaining the internal keys and opening the cells, released all the prisoners but Porteous, the object of their vengeance. There was no effective intervention. The magistrates, assembled in conviviality, made a nominal attempt to disperse the mob, but were glad to retreat unharmed, and leave it to its work. The gentry, from their lofty "lands" in the Lawnmarket, could dimly make out, by the blazing bonfire, the formidable nature of the work going on below, but felt no call to interfere with it, and generally remained in their safe elevations. The Welsh Fusileers, quartered in the Canongate, might, by breaking through the port, attack the mob, but no one would attempt to convey to them a written order from a magistrate, with authority to act. Mr Lindsay, the member for Edinburgh, found his way to their quarters with a verbal message; but

the commanding officer declined to act on it, and said, indeed, that the honourable member came to him with strong indications of conviviality.

Meantime the mob dragged their victim, ceaselessly but feebly resisting, to the usual place of execution, where they found a dyer's pole well adapted to their deadly purpose. The deed was consummated with incidents of ferocity very odious, yet almost necessarily characteristic of gregarious penal inflictions. It was impossible to accomplish the drop, from a height sufficient, by dislocating the neck, at once to end sensation and suffering. While one end of the rope was tied round the neck of the victim kicking on the ground, the other, slung over the cross-beam of the pole, was dragged backwards and forwards by the crowd, so as alternately to dash him to the pavement and tilt him aloft again. Some, not of the most cruel, struck him with Lochaber axes to end his sufferings. When he was dead, the mob disappeared as rapidly and mysteriously as it had gathered.

The chief law-officers of the crown—the lord-advocate and solicitor-general, were both absent, and, somehow, the local magistrates seem to have been paralysed by the greatness of the outrage, and unable to see how they could begin to act. At length Duncan Forbes arrived from his retirement beyond Inverness, and began a rigid investigation. Its fruitlessness made the English statesmen suspicious that the spirit of discontent and national sympathy with the mob pervaded all ranks and classes of Scotsmen. But from notes of their labours still accessible, it is clear that Forbes and his assistants made exertions for the discovery of the culprits ever increasing with the irritating experience of their inefficacy, and never abandoned until the exhausted lawyers had followed and lost every perceptible clue. The pursuit was naturally hottest after Wilson's colleague, Robertson,

who figures in romance as an English aristocratic scapegrace, but was really a stabler or hostler in the Cowgate. It was naturally conjectured that, in the spirit of heroic vengeance, he had instigated the deed; but no trace could be found of his movements, nor was there any indication that he had been present at the murder. Dissipated citizens, whose minds were excited by the occasion, now and then uttered mysterious remarks over their toddy, which, circulating and reaching official quarters, procured for some of them the appalling distinction of an investigation which left them in doubt whether they were charged with murder or high treason. But whatever threads seemed to be thus afforded ever snapped suddenly, to the deep mortification of the investigators. One man only was distinctly noted by several people, as having occupied a conspicuous position in the mob. Some citizen onlookers, unable to distinguish any other individual figure among the perpetrators, yet saw, somewhat to their astonishment, a footman of the Countess of Wemyss, conspicuous in his livery, and holding a Lochaber axe with much pomposity, as if he were assisting at some municipal pageant. However ludicrous as a consummation of their inquiries, it was deemed necessary—probably to show that investigations really had been made—to put this man on trial for murder. It was proved that, drinking with some companions, he had been found by the mob in a state of unconscious intoxication, and was invested with his warlike weapon in a manner unknown to himself, and explainable only as a wayward freak of the savage crowd.

There has ever been a floating idea that a deed so promptly and effectively carried out, must have been deeply planned by conspirators of no ordinary kind. General Wade stated, in the House of Commons, that he never knew a military disposition better laid down or more regularly executed. There were legends about

men in labourers' dresses guarding ladies through the streets in their sedan chairs and handing them out with the grace of courtiers, and about persons suddenly disappearing and returning with foreign habits and fortunes after long intervals. But no one of the stored up and well examined incidents really proved, pointed at any but the humbler classes of the people. If any of them acted with preconcerted design, it was probably a few of the desperate Fifeshire smugglers who may have formed the leading spirits of the mob. The reason why the plans of great crimes cannot be traced, is often because there are none to trace, and the actors escape detection, because the deed was unpremeditated. The history of French revolutions gives many instances of systematic practical mobs, of whose organisation no investigation could find a trace; and lawyers, as well as historians, seem to have overlooked a peculiar gregariousness of motion in mobs when not resisted, or so overwhelmingly strong as to sweep resistance before them. It seems to infuse through the mass an instinctive uniformity of action, and to direct them to the completion of some great design, as if they had been long devoted and trained to its accomplishment.*

This tragedy produced a serious parliamentary dispute. Some general allusion to popular disturbances was made in the royal speech at the opening of the session, and warmly seconded by the two Houses. The first substantial steps were taken by the House of Lords in an inquiry, partaking of the nature of a criminal investigation, in which it was observable, that Carteret, the great opposition chief, threw himself headlong with the ministerial supporters into every movement offensive to Scotland. An early characteristic incident was taken up by the

* The chief judicial proceedings relating to the Porteous mob will be found in the seventeenth volume of the State Trials, and in a little volume of "Criminal trials illustrative of the Heart of Mid-Lothian."

Scots as indicating the hostile design, not so much of the government, as of the English legislative majority. It was deemed necessary to have the presence of the Scottish judges to enlighten the House on the nature of the many legal proceedings connected with the outrage. The Duke of Argyle, and the other Scottish peers, maintained that these senators of the College of Justice should sit on the woolsack like the English judges when their presence is desired; or that, at all events, if it were necessary to make a distinction, they should have seats at the table of the House." The proposal was resisted as contrary to precedent. It had naturally been found, in all parliamentary proceedings, that the Scottish legislators, when they took their seats at St Stephens, left behind them all their own forms, and became subject to those of England. But at once conceding the necessity of this arrangement, they desired that their country might participate in the analogous English forms, and that the high officers who gave up the peculiar privileges enjoyed by them in the Scottish Estates, should share in those of their fellow-functionaries in England. But inexorable English precedent said, no, it could not be. None could sit with the Lords spiritual and temporal but the English judges. Those of Scotland must stand at the bar like other ordinary commoners; and it was deemed rather a scornful than an honourable concession that they were permitted to appear there in their robes. In that period, among the Scottish people, such a discussion produced an extent of national irritation not easily appreciated in our less heraldic and less ceremonious age. But the more serious result of the investigation was a bill directed against the municipality of Edinburgh, and denunciatory both in its explanatory preamble and enacting clauses. Its objects were the punishment of the chief magistrate, the exaction of a pecuniary penalty from the city, the

removal of the Netherbow Port, and the abolition of the city-guard. The destruction of a gate was symbolic of the old feudal methods of punishing a rebellious city by levelling its external defences. But it was felt, that to remove from a turbulent city a police force without offering any substitute, was a proposal not emanating from conscientious legislative inquiry, but from reckless animosity.

Opposed by the Duke of Argyle and other Scottish nobles, the bill passed from the Lords to a scene of fiercer debate in the Commons. There its character as an anti-national, rather than an internally legislative measure, was more deeply stamped on it by its encountering the opposition of the Scottish crown lawyers. It was opposed by Duncan Forbes with calm and serious eloquence; but unofficial members were warm, if not fierce, and spoke of a new death-struggle against conquest as the natural end of the insulting measures to which Scotland had been long subjected. No one can read these debates without seeing reasons why the conduct of Scotland was so different from that of England in the insurrection which broke out eight years afterwards.

The Scots found, however, unexpected sympathy and assistance in English constitutional parties. Sir John Barnard, the great city statesman, who afterwards roused the constitutional spirit of the money lords when the Highlanders were marching to Derby, raised his voice against a measure which was dangerous to the influence and freedom of municipal corporations. Other popular members joined him; and it was an incentive to opposition in the Commons, that the Lords in their inconsiderate and impassioned haste, had excited some of the jealousies of the Lower House. Walpole saw this balance of powers with satisfaction, for his well-poised mind was alarmed at being drifted by a parliamentary torrent into hostility with a division of the empire. At

last he threw out indications that he would not regret to see the more flagrant clauses removed from the bill. The measure was fought step by step in committee; and, after many of its most offensive denunciations were rejected or modified, it came back to the House so stripped of its hostile enginery, that its vehement friends could ill recognise it. Even in this condition it was nearly lost, for the reporting to the House was only carried by the chairman's casting vote—the division being 130 on either side. The majority for the third reading was 128 to 101. In its modified state, it merely disqualified the provost of Edinburgh from holding any office throughout the empire, and levied on the corporation a fine of L.2,000, for the benefit of the widow of Porteous.*

This measure was accompanied by another which seems to have called up no resistance, though certainly, had there been presbyterian clergymen in Parliament, or any members representing the views of the more zealous Presbyterians, it would not have been permitted to pass in silence. It denounced the murderers of Porteous, offering rewards to informers, and levelling punishments against all abetting or harbouring the murderers, or concealing their knowledge of the crime. But what was of chief moment—for the parliamentary were as ineffective as the legal hostilities—it was enacted that every minister should, on the first Sunday of each month, for a year, read the act from the pulpit during morning service. The effect of this rash clause will be seen further on.

* See the proceedings on this matter in the Parliamentary History, x. pp. 137–319.

CHAPTER XIX.

Ecclesiastical Matters resumed—Effect of the Rebellion on the Established Church, and on the Episcopalians—Changing Tendencies in the Establishment—Community of Feeling with the Landed Gentry—A Deputation to London on Grievances—Disposition of the Government to grant Demands—Extent of Redress given and desired—Act tending to mitigate the Patronage grievance—How worked—The Old School and the New School in the Church—The peculiar Characteristics of the Covenanting Portion—The Rigid System of Discipline, and the Prejudices of the People in its favour—Its Effect on the humbler Classes who desired it—Its Effect on the Aristocracy who disliked it—Erskine of Grange as an instance—Antagonism between the Central General Assembly and the Local Church Courts—Government Management in the Business of the Assembly.

At this point of the narrative, it becomes convenient to take up the thread of ecclesiastical affairs, and give an account of the progress of the church polity settled by the Revolution, since it becomes necessary to describe grave disputes and divisions, which ended in a total severance of a valuable part of the church from the main body. We have already seen a branch of the Cameronians thrown off, unable to keep in union with lukewarm men who tolerated error. Their sojourn with the Establishment was so short and stormy, that they cannot well be spoken of as having been amalgamated with the body at large. They entered it indeed for the purpose of subduing and trampling on all the rest of its members; and finding this to be impracticable, they shook the dust from their feet and departed,—not without some effort to spoil the Egyptians.

At the conclusion of the Rebellion, the Established

clergy in general felt it a comfortable thing that they were rid of coadjutors so troublesome, whose companionship would have ill fitted them to succeed to the ruined fortunes of Episcopacy. If, before the Rebellion, the two churches divided the spiritual empire among the gentry, the balance had now turned decidedly in favour of the Presbyterian Establishment. They were the friends and allies of the government, while the Episcopal clergy were not only its avowed enemies, but went through the country as skulking criminals, at the mercy of every rigid or malicious informer. The Established ministers were officially consulted about the state of the country, and we find presbyteries sending up to the law-officers of the crown instructions about the safe distribution of government appointments, and lists of the persons whom it may be expedient to select as justices of peace in their districts.* Men thus encouraged by the state, and its most powerful friends, became genially conscious of importance, and averse to faction and strife. The powerful odour of disaffection which surrounded the Episcopal church, induced the landed gentry to court the reputable Presbyterian Establishment; while the clergy on their side were inclined to facilitate the reception of such worshipful converts. The forfeitures removed many of the most hostile patrons, and the Established Church was likely to find warmer friends among those in whom these patronages were vested, than among the people who lived on the forfeited estates.† Thus temporal principalities and powers smiled on the Establishment; and though it had been a practice annually to record a complaint about the

* Wodrow's Correspondence, ii. p. 124.

† "The Earl of Panmure had about fifty of these patronages in his own gift. The Jacobite masters of the College of Aberdeen are patrons of many, and the late Earl of Mar of several more."—*Wodrow's Correspondence*, ii. p. 126, *note*.

grievances of the church, they were not strongly or offensively denounced. The well-affected Episcopalians grew more and more reconciled to see Presbyterians of this class become the successors of their departed Episcopal pastors, and were gradually absorbed into the Presbyterian Establishment. Hence the Church of Scotland was becoming daily more important as an ally of the Hanover government, and a friend of the landed gentry.

In its operation immediately after the Rebellion, the Patronage Act seems to have occasioned little dispeace between the patrons and either the people or the clergy. Perhaps the Rebellion, clearing away so large a portion of the Jacobite patrons, and teaching all supporters of the government mutual forbearance, may have created this desire for harmony and peace; and it will be found, that it was not until the rigorous application of patronage was acceptable to a large portion of the clergy, that the laymen who held it created animosity by the manner of its use. The patrons seem, in the meantime, to have permitted their privilege to adjust itself to the habits and views of the different parts of the country, so that it worked in comparative peace. But, in conjunction with other causes, it was preparing a harvest of future discord, by altering the position of parties in the church, and gradually rendering the clerical friends of the landed gentry, and of others who had recently conformed from Episcopacy, predominant, and making the Covenanting party find itself a vehement enthusiastic minority.

This quiet adjustment of the clerical service to the clerical tone of the different districts, arose from an element of popular choice, which still remained in the form of "the call." It was a preliminary expression of inclination and desire, sometimes directly acceded to only by the elders and the landed gentry of the parish, but generally embodying the feeling of the congregation. It

thus afforded an indication to patrons and church courts disposed to further the wishes of the congregations; and it had, so long as the patrons used it in this kindly spirit, none of the acerbating effects produced by a right of objection, or any other form of selection which sets one power in dispute with another. It was perhaps rather in favour of this form, that it was indefinite, adjusting itself to circumstances and parochial habits.*

Thus, it was certainly not from the immediately offensive use of patronage, but from the exercise of the social influences in operation in many of the parishes, that the church gradually received an accession of men disinclined to the old Covenanting principles, and more acceptable to the gentry and the other classes who had migrated from Episcopacy. When this class increased, there undoubtedly arose those great internal disputes in the church, in which the patrons naturally took the side which was most congenial with their own views, but unfortunately adverse to those of a large body of the clergy and common people. The division was much increased by doctrinal controversies; and the earliest disturbances in the administration of patronage appear to have arisen from the Marrow controversy, to be presently mentioned.†

There were still some grievances, which all classes of Presbyterian clergymen desired to be relieved from, and they had now the comfortable assurance that the government would lend a friendly ear to their reasonable remonstrances. In the year 1717, the Commission of the General Assembly sent a deputation to court, to plead for a redress of the grievances of the church. A curious notice of their proceedings was preserved by one of the

* The call appears to have been a relic preserved from the period anterior to the Restoration, of the use, in its popular form, of the first step in a presentation—the *advocatio*, still expressed in English law as the "advowson."

† Wodrow Correspondence, iii., p. 204.

reverend gentlemen, in the form of a diary.* Patronage was mentioned among the grievances, but certainly not with much urgency, although the author of the diary professed himself to be clearly against it. The statesmen to whom they got access, met all proposals tending to a general revocation, by observations dubious in expression but decided in meaning, about extreme unwillingness in the legislature to touch rights of property; and it does not appear that the offensive proposal was strongly urged. When it was mentioned that the right was frequently employed by the Jacobites to further their disaffected views, the deputation were readily listened to, and permitted to explain how a patron inimical to the Hanover settlement would appoint some man distinguished in the church, who, he knew, would not accept the presentation to his obscure parish, and would follow this with a series of like presentations, keeping the charge vacant. Knowing that, by the *jus devolutum*, when six months elapsed without a presentation, the settlement devolved on the church courts, he could thus manage indefinitely to postpone a real settlement, issuing his fictitious presentations at well-calculated intervals. This was a substantial defect, which the statesmen could understand. They promised a remedy for it, which we shall see that they administered. They gave vague assurances, at the same time, of an inclination to do what they could to modify the law of patronage; and seem, by courtesy, attention, and general promises, to have made the deputation—who were utterly different

* Diary of the Reverend William Mitchell, printed in the Spalding Miscellany, i., p. 227, *et seq.* The first sentence is—"Mr William Hamilton and I, being sent by the commission to endeavour redress of the grievances of the church, came to London on the 9th February 1717." They had an audience of the King, and presented their memorial. Mr Mitchell says—"February 21st.—We were introduced to the King, in his closet, by Roxburgh, and Mr Hamilton read the following speech to him in English,—Roxburgh having told us that he understood English, and that it was not fit the

men from the remonstrant Covenanters of the previous generation—very complacently contented.

These reverend gentlemen urged, much more strongly than the patronage question, a restoration to the church courts of the power of calling on the civil magistrate to execute their decrees; but the statesmen repelled the proposal with a brief emphasis which showed that they could not patiently hear it discussed, and candidly gave no hope of any such retreat into the old dominant principles of the Covenant. Another proposal could not be expected to meet a better reception on English ground—a repeal or restriction of the toleration to Episcopalians. Still the deputation had some reasonable practical ground to fall back upon even in this matter. Scottish Presbyterians could not hold office in England without qualifying themselves through the Church of England—it seemed but fair that, until this were repealed, Scotland should have a retaliatory law, were it but in mere acknowledgment of the local supremacy of the Scottish Establishment. It would seem, however, that the deputation were relieved of all the urgency they felt in this matter by a misunderstanding with some representatives of the English nonjurors, who could more decorously complain of subjection to incapacities than the Scottish deputies could crave the privilege of retaliating.

The nature of the abjuration oath seems to have occupied the chief attention of the deputation, and their objections to it, though secondary, were seen to be reasonable. Discarding the subtiler objections against acknow-

custom of speaking in French should be kept up." The reader will remember how often the assertion of Archdeacon Coxe has been repeated, that Walpole and George I. spoke to each other in bad Latin, because the King could not speak English, and the minister was ignorant of French. The deputation had an interview with the Prince and Princess of Wales. The Princess said—"Gentlemen, I am sorry your church has grievances. I hope they do not hurt you very much,—but I beg pardon, I should have said your *kirk*."

ledgment of the permanent title of a prince who might change and become an enemy to the truth, they rested chiefly on that commonly called "the logical lie," which made them exact membership of the Church of England, as a qualification of the monarch to whom they who were bound to count Presbyterianism the only true system of church government, gave their allegiance.* This objection was intelligible to statesmen. If not in itself important in their eyes, it became important if it disturbed a powerful body of men, and the remedy was not difficult.

In 1719, an act was passed for modifying the Abjuration Oath.† The new form consisted in a simple declaration of allegiance to the Hanover settlement, and a renunciation or abjuration of the title of the exiled house; but it contained none of the inconsistencies by which the ecclesiastical logicians had been distressed. The concession does not seem a large one; but yet it was a concession—ever to moderate men a matter of soothing satisfaction—and it was so well received that the church did not seem to desire more. Wodrow's correspondence shows the influence of the concession in gaining men to conformity; and the manner in which he mentions it as a good event, is highly honourable to him, since he felt himself still among those who had not "clearness" to take the oath, modified as it was. The reduced body of Presbyterian nonjurors—influenced apparently by the gentle but firm spirit of the historian of the troubles—resisted all persuasions and threats in a manner so quiet that traces of their determined resoluteness are to be found only in the private letters of the time. They did not make their resistance public, and fortunately the government avoided the scandal and publicity of prosecutions. The recusants were, however, repeatedly threatened, and saw the preliminary steps of

* See above, chap. xiv.

† 5 Geo. iv. c. 28.

a wide prosecution. Roxburgh, the head of the party called the "Squadrone," appears to have intended to make war on them; but they seem to have been saved by the accession of their friend, the Duke of Argyle, to power. When the next Assembly met, the royal letter congratulated the clergy on the removal of a source of dissatisfaction. They were assured of the hearty support and countenance of the government in their loyal courses, and warned against those persons who were inclined to raise unhappy divisions among them. They responded with expressions of warm adulation unusual among Scottish Presbyterians, to the extraordinary condescension of this unparalleled instance of royal goodness, and promised to guard themselves with the strictest care and watchfulness against the practices of those who endeavoured to raise divisions. This was indeed a warning, of which, as we shall presently see, they were in no need, since they were actively preparing themselves for an internal conflict.

It would appear, indeed, that at this period the government would have readily conceded more important demands to the ruling party of the church, had any been emphatically made. But though the deputation had almost from habit been instructed to apply for a remedy against the grievance of patronage, the ruling party in the church were beginning to feel that it was not at that juncture so grievous as it had at other times appeared. While the landed gentry, who presented to benefices, were coming round from Episcopacy to Presbyterian conformity, the people, who would supersede them, were not deserting the Covenanting principles, which were beginning to be antagonistic to the church. Any approach to popular election at that time, would have given a preponderance of power to the party with which the majority were going to declare war. Indeed, in the very act just noticed, there is a little clause which would have

enabled the church greatly to modify if not gradually extinguish patronage, had it desired to do so. It will be remembered that, by the rule of *jus devolutum*, if six months passed without a presentation by the patron, his right lapsed to the presbytery,—in other words, to the church. A clause of the new act, provided that the lapse of the right should not be interrupted by the presentation of one who had not qualified. This was a natural consequence of the Qualification Acts; but the clause had another very significant condition, that the presentation of a person who declines to accept, is to be held no presentation, and is not to affect the lapse of time which gives the *jus devolutum*.* By this clause the matter was virtually put into the hands of the church. If she were, throughout, so zealous against patronage as to infuse through her members the creed that the unconditional acceptance of a presentation was a desertion of their duty and a betrayal of their principles, the reward was immediately gained by the church, which took the presentation into her own hands, and disposed of it as seemed fitting.

It was said that the immediate object of this clause was doubtless to defeat the practice, already mentioned, by which disaffected patrons managed to postpone the filling up of vacancies, by presenting persons who certainly would not accept. But it cannot have been entirely overlooked in the framing of the clause, that it put it in the power of the church, if it were unanimous against patronage, or even had a great majority against the sys-

* "If any patron shall present any person to a vacant church, from and after the 1st day of June 1719, who shall not be qualified by taking and subscribing the said oath in manner foresaid, or shall present a person to any vacancy, who is then or shall be pastor or minister of any other church or parish, *or any person who shall not accept, or declare his willingness to accept,* the presentation and charge to which he is presented, within the said time, such presentation shall not be accounted any interruption of the course of time allowed to the patron for presenting; but the *jus devolutum* shall take place as if no such presentation had been offered."

tem, to deaden the influence of patronage. This was so far seen that, in places where the majorities in the local church courts were inimical to patronage, they made it an ecclesiastical offence to accept of an unconditional presentation; and it came to be a well-understood practice in these districts, that presentees accepted only on some suitable condition, such as the concurrence of the congregation. It appears that at least in one instance, mentioned in the note below, the local church courts were able to visit the unconditional acceptance of a presentation with penalties; and one who lifted his testimony against the conduct of the church a few years afterwards, asserted that "there was no man that presumed to take, accept, or make use of a presentation, for several years after this act was passed."* It does not appear, however, that the majority of the church were disposed to take advantage of this opportunity. They were, for the

* Willison's Testimony, p. 48. Wodrow mentions that in the General Assembly of 1727, this act was spoken of as "a law that was designed to ease us of sham presentations, though some urged it was a law that was designed to ease us of patronages, under the views that such were our principles, that we could not get in to ordain such as had accepted a presentation without a call and consent of presbytery."—*Correspondence*, iii., p. 295. He tells us further, 19th May 1725,—"After Mr Simson's death, who was one of the twelve subscribers in favour of the Marrow, the Duke of Roxburghe presented one to the parish, and fell from it. Then Mr Christie, a youth of very good character, minister of Simprin, was presented, and gave his consent in the terms of the act of Parliament 1719, if he had a call, and consent of the people and the decision of judicatories. This, by-the-bye, was insisted on by my Lord Grange with some warmth, as a most unaccountable thing in ministers or probationers; and he observed that the act of Parliament requiring the minister's consent to the presentation was designed to *relieve the church from the burden of patronages, it being thought by our friends that no minister or probationer would give his consent to a presentation; and consequently that the six months would expire, and the right fall into the presbytery's hands*,—and so he complained loudly that we ourselves were to blame for not going into what was the only method to relieve us from patronages, that is, standing out against accepting presentations contrary to our principles; and, indeed, no other method could be fallen on save repealing the act."—*Correspondence*, iii., p. 204.

The Rev. Robert Burns stated to the Commons' Committee on Patronage, in 1835, that—"The provisions of the act of 1719, were hailed with satisfac-

reasons which have just been noticed, becoming reconciled to the law, or at least passive.

But along with this contented and conforming majority, there worked a zealous body of the nonconforming remnant of the old Covenanters, whose opinions varied in shades of depth from an imperceptible distaste of the uniform conformity of their brethren, to that confirmed disgust which had made a small number cut themselves off from the body whose conduct occasioned it. A large number even of those who remained among the most steadily-attached members of the Establishment were, like the historian Wodrow, deeply impregnated with the spirit of the old Covenanters, and entertained the vain notion that, as comfortable and authoritative members of a well-endowed establishment, they would possess the same spiritual command, and awful moral majesty, which their covenanting fathers obtained as attributes of the crown of martyrdom.

tion by the church. They saw that by this act the *acceptance* of presentation within six months was necessary to its being sustained, and they prohibited licentiates from taking presentations. In the year 1725 I find Mr George Blaikie deprived of his license for taking a presentation. In this way the *jus devolutum* necessarily took effect."—*Report*, p. 87. The statement that the provisions were hailed with satisfaction, must be understood as limited to the then anti-patronage party in the church. On further explanations about the case of Mr Blaikie being desired, it was stated, on the authority of the records of the presbytery of Haddington, that he was deprived of his license in 1725, for having had "the assurance" to accept of an unconditional presentation. Eleven years afterwards, Mr Blaikie conducted a war on this question with the presbytery of Auchterarder—a place destined to repeated celebrity in connection with such questions. He had accepted a presentation from Lord Duplin, to the church of Maderty, in that presbytery. He did so, not only unconditionally, but apparently in a spirit of bravado, as one who desired to fight out his old dispute. The presbytery, not content with the exercise of their own immediate authority, applied to the presbytery of Perth, where Mr Blaikie resided, desiring them to punish a licentiate within their bounds as a "transgressor of the good order of this church, and as a contemner of the authority of the last National Assembly, and of two recommendations of this provincial synod, the design of all which is to discourage violent settlements, and undue acceptance of presentations, without the consent and concurrence of the parish previously notified." The end of the dispute was, that Mr Blaikie was a second time deprived of his

As a portion of the church which was about to own the names of Robertson, Blair, Home, Henry, Somerville, Ferguson, Carlisle, Campbell, and Reid, the characteristics of this relic of the covenanting spirit have much historical interest, were it but for the greatness of the subsequent revolution in opinion and intellectual development, so suddenly and silently created. Of the literary age of the Scottish church, it hardly comes within the compass of these pages to speak; but this is the less necessary for the development of the contrast, as its achievements are well known to all readers of the literature of the eighteenth century. The causes out of which the change arose may be in some measure inferred from the details which have been here afforded; and now, to complete the picture, it may be well to give a sketch of the branch of the church which adhered to those old Covenanting principles, which, when other views asserted a preponderance in the Establishment, sought an embodiment in dissent.

license. At this juncture the secession, to be afterwards narrated, had been actually commenced, and the church were making efforts to conciliate their anti-patronage brethren, and yielding somewhat to their views. Mr Blaikie, it may be noticed, does not seem to have been a judicious champion. He put the views on which he rested in a strong and offensive light, and could say nothing without a half-suppressed sneer, which must have been sometimes irritating to his zealous opponents. Thus, when charged with want of proper modesty and humility, he observed that he must not defend himself, because, should he succeed in the vindication, he will have a triumph over his accusers,—which a modest and humble person would not desire.—*Accusation of the Presbytery of Auchterarder against Mr Blaikie, with his Answers to it, as likewise the Articles of Charge; extracted by the Synod of Perth and Stirling from the foresaid Answers*, etc.—in possession of Robert Bell, Esq.

In the "Representation and Petition," presented to the General Assembly in 1732, the availability of the act, and the designed unwillingness of the leading power in the church to work it, are attested in a distinct complaint, that "the good effect of the amendment made in the Patronage Act, anno 1719, is like to be totally defeated, by ministers and probationers their accepting presentations (contrary to our known principles) without calls from vacant congregations, yea, long before any meetings were appointed for choosing and calling pastors; and some judicatories who have testified their just displeasure against presentees for their said unworthy and offensive practice, instead of being supported, as might have been expected, were condemned by the Commission."

To understand the character of the transcendant position which the servants of the church held in those days which were counted her days of glory, it is necessary to look to the source and character of clerical influence in Scotland. The peculiarity of protestant ecclesiastical organisation in Scotland, has ever been that the people have claimed some share in its power. We have seen the Cameronians domineering over their pastors, or breaking from all clerical bonds. From this extreme development of the characteristic, it graduates off, always more or less prevalent in every presbyterian body. When even in a high state of fervour, however, the genius of the presbyterian system has generally managed to employ and control the lay influence, instead of driving it to hostility. The people, so far as their function was acknowledged, were at all events only those within the sheepfold, of which the pastor must ever be the head. In her days of power and triumph, the church would sometimes arrogate coercive authority over all persons within the realm, whatever religion they followed; but in the exercise of influence within her bosom, she acknowledged none but received communicants. "Male heads of family in communion with the church," has been the constant definition of the franchise for the lay exercise of ecclesiastical power. Sometimes the qualifications admitting to this privilege were of the most rigid and exacting kind; and the more rigid and exacting they were, the more power was possessed by the clergy, who were the head and front of all the doctrinal and moral system, from which these strict rules were framed and construed. Thus was created a compact system, of which the clergy were the head, deriving collective influence from the infusion of lay power, instead of being weakened and checked by it.

When the Presbyterian Church was denounced and persecuted, it was in vain, of course, to attempt to put

ecclesiastical discipline in practical force beyond its pale; but the authority exercised by the church had all the stronger hold upon her true children, who viewed it as the direst of all punishments to be driven from their post within the sanctuary, environed though it was with perils and snares, and abject in the sight of the worldly. Thus, as often has occurred in the world's history, the pressure of persecution kept the little communities more compact and united. Where difference of opinion was counted treachery or desertion to the enemy, the hands of those who governed were strengthened, and the rule of discipline went rigidly on from mild censures up to that final and highest denunciation of Excommunication, by which the wicked person was literally put forth from among them, as in the church of Corinth, and, in the belief of his expurgation, delivered over to the kingdom of Satan. That, after the peaceful establishment of the church, the brilliancy of its spiritual light was dimmed, and the heat of its enthusiasm chilled, was matter not only of reproach from the Cameronian camp, but of grievous lamentation by the more zealous clergy of the church. Why it should be so, surprised as much as it grieved them; and, too sadly interested in the phenomenon to look on it through the light of historical philosophy, they set it down as the forerunner of judgments and incalculable calamities.*

* These instances of regret are of perpetual occurrence in the exuberant pages of Wodrow. We find his friend, the Rev. Francis Borland, referring to another instance in point:—

"Alas, may it not be said of us in this land now, as the Rev. Moulin said of the French Protestants, 'While they burnt us,' saith he, 'for reading of the Scriptures, we burnt with zeal to be reading of them. But now, with our liberty, is bred also negligence and disesteem of God's Word.' So it is with us. While we were under persecution and the tyranny of the bishops, oh, how sweet was a fasting day! how beautiful were the feet of them who brought the gospel of peace unto us! We would not think much to travel many miles, and endure hardships and hazards, to hear a sermon. But now, how are our fasting days slighted and vilified! how are they that

The time of persecution was thus the time of supreme ecclesiastical control. It pressed the persecuted communities into a hardness and consistency which made the power of him who was the accepted leader among them more absolute and illustrious. To conceive the devotion of the humbled Covenanters for the more eloquent, and bold, and enthusiastic of their pastors, we must go back to the legends of the martyrs and the lives of the saints. It would seem as if the horrors of persecution drove men's minds centuries back into the dark ages; for there is a strong analogy between the great work of the Bollandists, and the biographies of the Covenanting worthies. The analogy is very distinct in the gift of prophecy and the working of miracles, freely attributed to the great men of "the killing days." It has often been observed, that the supernatural interventions recorded by the Bollandists, have no other end than to perform some sordid and sublunary service to the clerical saint—to provide him with food or money, to fight his battles; occasionally to minister to his pride or vanity, or accomplish his vengeance. It is but human nature to apply supernatural and hypothetical, as well as natural and actual, powers to the accomplishment of its own narrow objects; and the hagiologists of a Cargill or a Renwick follow the same law with those of a St Francis or St Dunstan.

When the church was established and respectable, it was vain to expect the continuation of those social elements out of which miracles and prophesyings were believed; and the most enthusiastic of the people noticed their cessation as a sure indication of the sad defection of the times. But the portion of the clergy who leaned

would be accounted God's people divided one from another!—railing one upon another, and making stones and stumbling-blocks to themselves, against their plain duties."—*Memoir*, M.S., in possession of Mr David Laing.

to Covenanting principles had by no means utterly abandoned the desire to profit by the reputation of miraculous powers, or to lose the feeling of awe inspired by their presence; and to a few of the most gifted and revered, partial followers were still inclined to attribute a dubious something in the tenor of their path through life, which showed a higher guidance and guardianship than that which fell to the lot of the ordinary race of mankind. The interesting and curious phenomenon of the supernatural period, ramifying, as it were, into the subsequent age of serenity and indifference, is seen in the writings of Wodrow, and especially in that confidential note-book which is the repository of his secret and fugitive thoughts. His significant marvels are sometimes legends of the days of persecution, and occasionally relate to his own friends and contemporaries of the more gifted and illustrious among the clergy, tending to show that, if miraculous powers had decayed, they were not utterly departed, but lingered still with the chosen remnant. But perhaps the most interesting and curious feature of these transition elements, is the dubious and suggestive form of the narrative. The well-respected minister of Eastwood—who professed to know chemistry and mineralogy—who was collecting records, and writing an authentic history—and who, as a leader in the church courts, was consulted occasionally on ecclesiastical matters by my Lord Ilay or his Majesty's advocate—felt that it would be rather anomalous to profess a frank belief, even in his own self-communings, in contemporary miracles. His tremulous dubiety is indeed indicative of the fading away, in the new generation, of the bold, supernatural traditions which he inherited from the old. He tells the tale as it was told to him; he knows not what to make of it, but it was given by people of high trust and sagacity. Sometimes he says it makes a near approach to a miracle. It is plain that, however un-

willing he be to make the confession, it is in his eyes an actual miracle, in which he has entire faith. Nor are the characteristics of the Bollandist miracles wanting to those of honest Wodrow—they all tend to the glory and aggrandisement of his order. Thus, some profane wretch sneers at a clergyman. The holy man turns round and pronounces a denunciation; and what it may express the narrator knows not, but the wretch's tongue swelled that night, and he died in agony. Lest the significance of such narrations should fail to be perceptible, the zealous narrator often shows with entire transparency what was passing in his mind, by appending the moral—"Touch not mine anointed, and do my prophets no harm."*

It is clear, that the persons who possessed, or were

* The following instance relates to the Rev. Robert Blair. Wodrow's informant "had the satisfaction to see him, when on his deathbed, perform what was very near a miracle." No one can doubt that, if it was performed, it was entirely a miracle. He had an only daughter, "both decrepid and under the king's evil, which had taken some of her joints." This had been concealed from the father, but he insisted on seeing her, "and after some excuses she was brought, and he laid his one hand upon one part of her sore, and lift up his other and his eyes to heaven, and said, 'My God shall heal my child!' And after that, though she was before given over by physicians, she grew perfectly whole."—*Analecta*, i., p. 84.

Mr Harry Erskine, minister of Chirnside, who numbered among his parishioners the family of which David Hume was a member, had in the evil days exhausted his whole stock of meal, resolving "to depend on Providence till to-morrow, for he was assured they should never want," "and to-morrow morning there was a person coming along the high road with a load of meal, and he and his wife were looking out at a window. He said he believed that was coming to them, which she did not believe till the person came and knocked at the door, and told him he was sent to them with it."—*Ib.*, i., p. 89. On another occasion, the same clergyman, when on a voyage, had no better provision than twopence, and a crown which was refused as base. The vessel sailed past a town in which he had formerly officiated, and had left it in the distance out of sight. "All the time he was wishing and praying to be set in there; and after they were sailed out of sight of it, there came a violent gust of wind which drove them just in to it, and they were obliged to stay there a considerable time, that wind still continuing; in which time he preached there, week day and Sabbath, till he got twenty pound sterling, and came away with them to Leith, where he told the skipper the story; who said he wished he had given him his fraught and fifty pound before he had staid so long there." "So that," concludes the narrator, "the Lord will even

believed to possess, the power of thus avenging their injuries and supplying their wants, must have been a very formidable body; and perhaps it is but natural, that if a series of sad and calamitous events had invested them with such a reputed authority, they should be loath all at once to drop it when the age which fostered a belief in its existence had passed away.

These miraculous interventions were indicative of a high priestly authority, which had another and more rational, though still very curious, manifestation in the application of ecclesiastical Discipline. This rigid code, preserved from the time of persecution into a later age, gradually decayed in the established church as her position became more firm, and the principles of the leading

work a mirracle almost before He suffer any that truly depend upon his providence to want."—*Ib.* p. 89.

Mr Shields, the celebrated author of the "Hind Let Loose," friendless and destitute, received a visit from a stranger, who offered him money. He demanded an explanation. "At length, with much difficulty, the merchant told him that that morning, after prayer, it was borne in upon him that one Mr Shields, a Scotsman, was in great straits, and that he was lodged in such a house in that town; and that he was not at all obliged to him for the money, for he never heard of him before from any body, nor saw him, and told him he was to take it from a higher hand."—*Ib.* pp. 221, 222.

Such interventions were not always so purely benevolent. The Rev. Mr Hogg was a sojourner in a house in Old Earn, in Aberdeenshire, where there resided, along with the pious owner, a factor, "who was very malignantly set, and a great scoffer." The servant having neglected to furnish Mr Hogg with a knife, he produced one from his pocket, observing, "that it was a necessary companion for a traveller," "and as his use was upon everything, he took occasion to raise a spiritual discourse from it,—'If we were so careful about accommodations in our way here, what care should we take in our spiritual journey?'" This was but the commencement of a series of improvings of the incidents of the table which excited the ridicule of the malignant factor. His mirth was not quelled by the indignant frowns of the expounder, who at last stopped and sternly addressed him thus, "Alas! my soul is afflicted to say what I must say to you, Sir, and I am constrained and pressed in spirit to say it, and cannot help it. Sir, you now despise the grace of God, and mock at it; but I tell you in the name of the Lord, that the time is coming, and that very shortly, when you shall seek an offer of grace, but shall not find it." The factor completed the measure of his iniquity by telling the household "that the fanatic minister had been pronouncing a curse on him, but he did not value him, nor it either." Mr

men more conforming, and was obliged to seek refuge with the other symbols of the Covenanting days in dissent. It naturally appears anomalous to find the outward manifestations of priestly authority decay when the church is fortified and countenanced by the state, and revive under conditions of persecution or poverty; but it is a phenomenon often exhibited, and not hard to account for. In the present instance, it was not exactly priestly domination, but the collective authority of the church of which all were members, though the minister was the head, that developed its power in the form of Discipline. Hence the extent to which it would be courted or submitted to would be measured by the other sacrifices which the church made to preserve her purity, and it was more efficacious during suffering and oppression than in the age of careless prosperity.

According to the principles of the most rigid Covenanters, the church was the supreme moral ruler, both of the selected members who partook of her privileges, and of those who refused to come in or were cast out as unworthy. If the spiritual penalties did not strike those without the pale, it was the duty of the civil magistrate to force them to righteousness with the sword. The system was perfectly simple—every one was to be compelled to do righteously according to the moral law of

Hogg had retired and finished his devotions, when, "just as he was stepping into his bed, a servant comes and knocks at the door, and cries, 'For the Lord's sake, Mr Hogg, come down stairs presently to the factor's room.' He put on his clothes as quickly as possible, and came down, but the wretch was dead before he reached him."—*Ib.*, p. 266.

The next instance refers to a deed of violence which was well known in its day, though Wodrow's prophetic antecedent is not mentioned by its other narrators. In the days of persecution, Douglas, a covenanting clergyman, preached in the church of Hilton,—"In the time of sermon, the laird of Hilton comes in and charges him in the midst of his work to come out of the pulpit in the king's name. Mr Douglas refused, whereupon the laird comes to the pulpit and pulls him out by force! When he saw he behoved to yield, he said, 'Hilton, for this injury you have done to the servant of God, know what you are to meet with! In a little time you shall be brought into this

the church. But to carry out this principle, required a wide power and minute inquisitorial machinery. It was only during her short reign of supremacy, that the code of discipline could be carried beyond the circle of the church which acknowledged its righteousness, and offered a ready submission to its restraints and penalties. At the Revolution, we have seen that the civil penalties of excommunication were removed, and subsequently the civil magistrate was prohibited from enforcing the commands of the ecclesiastical judicatories—a crippling and deforming of the godly and regal lustre of the church, which was deeply lamented by her Covenanting adherents.

But within the church, the system of discipline continued to be a peculiar and remarkable inquisition in the parishes where old opinions ruled. Its results, as found in kirk-session records, and in popular allusions to the manners of the times, have produced much national scandal by the lubricity of their details, and suggested many a sneer against the tastes and habits of the clergy, who zealously hunted out so many frailties of the flesh and mysteries of morality. It has often given special gratification to those whose habits and opinions are not well fitted to meet a critical inquiry, to find that in those honest, resolute, and exterminating investigations, the searchers after scandal have found it in the very chosen

church like a sticked sow.' And in some little time after, Hilton was run through the body, and died by, if I mistake not, Annandale's brother, either in a duel or a drunken tuilzie, and his corpse were brought in all bleeding into that church. 'Touch not mine anointed, and do my prophets no harm.'" —*Ib.*, ii. p. 154.

In the next page is an anecdote of Andrew Cant preaching at the market-cross of Aberdeen, where, being a malignant place, a boy threw a dead crow at him. "He stopped a little, and said, 'I know not who this is who hath done this open affront—but be what they will, I am much mistaken if there be not as many gazing on him at his death as there are here this day,'—which fell out in some years. The man was taken up for robbing or some crime, and execute in the Grass-Market at Edinburgh with abundance of onlookers. 'He that despiseth you despiseth Me.'"—*Ib.*, p. 155.

vessels of grace in their own sanctuary. The perpetual indecorum of such investigations, and the frequency with which they have exposed the conduct of zealous professors, as they were termed, have made people associate the frailties themselves rather than their merciless exposure with the Presbyterian system in Scotland. The mistake resembles that often made by foreigners who read our published jury trials, and mistake the scornful publicity sometimes given to connubial errors, for an indication that such habits are deeply rooted in the higher classes.

It would be decidedly unfair to test the state of morality thus displayed by a comparison with countries or ages where there is no such inquisition. If it be a rigid rule that all manner of immorality is to be investigated and punished, it will follow, until all immorality is at an end and mankind are pure, that the inquiry will bring to light scenes which would otherwise escape observation; just as criminal investigations make known crimes which might otherwise pass unnoticed. It does not follow that because the clerical inquisition displayed scenes of revolting licentiousness, it created them. But, on the other hand, it is very obvious to those who read the Session records, and otherwise trace the manners of the age, that it did little, if anything, towards their suppression. The scenes it brought before the world were not edifying or purifying, and the more vice it dragged from the dark, the more was ever growing up behind to be dragged forth, and the inquisition went on unceasing and ineffective. All kinds of publicity and degradation were tried in vain. The people became familiar with the sight—sometimes too familiar with the cause. If the degradation of one Sunday were insufficient, it should be followed by another, and another. It became a matter of boast, that a parish had risen so much higher in purity than its neighbours as to demand more

appearances in the place of scorn. A frail victim was sometimes compelled to appear on nine or ten successive Sundays, exposed to the congregation in the seat of shame. The main effect sometimes produced by the exhibition was in the gibes and indecorous talk of the young peasants, who, after a few significant glances during the admonition, and a few words at the church door, adjourned the general question for discussion in the change-house. Sometimes it was noticed that the young Jacobite lairds, who would not be otherwise induced to enter a Presbyterian place of worship, strayed to the parish church to have an opportunity of seeing the latest addition to the frail sisterhood of the neighbourhood. The exposure sometimes hardened hearts otherwise redeemable; or drove the erring to deeper crimes for the concealment of their guilt. Thus this rigid system, however highly it may have purified the virtue of the select few who were the patterns and leaders of the flock, doubtless deserved the reproach often cast upon it, of driving weaker brethren either into hypocrisy or recklessness—of compelling the people to be either puritans or reprobates.

But whatever reproach this system may be liable to, does not fall on the clergy more than the rest of the community among whom it prevailed. That the common people of the country warmly supported a rigid inquisition, is proved beyond doubt by the attraction possessed by it in Dissenting churches after it had died away in the Establishment. We shall see that the decrease of discipline was one of the main grievances which created dissent in the eighteenth century. At this day it is believed that, in some dissenting Presbyterian congregations, clergymen, whose enlightened principles are far beyond such customs, cannot escape unwillingly exercising some part of the functions of public rebuke; their rigid followers, who have gone

away with them from the beaten path to indulge in this and other spiritual luxuries, demand it.

In fact, whether it were a resuscitation of the spirit of confession and absolution or not, it is clear that the system of discipline was felt as a privilege even by many of those who suffered from it. To have gone through the ordeal—termed "justifying the offence"—conveyed a comfortable sensation, of which they did not desire to be deprived. Laxness in administering discipline was a frequent and almost general charge against the backsliding clergy; and those who had reason to fear its stripes, seem to have been not the least desirous to strengthen and uphold it.*

Among the common people, therefore, this system—good or evil in itself—was an innate feature of social habits, for the existence of which the clergy were not responsible. They might modify it—as, much to their own loss of influence with a large body of their hearers, they did; but they could not unmake it, because, if they resolved not to provide it, it was sought elsewhere. But whatever may be said of the self-imposed influence of inquisitorial scrutiny and rigid restraint among the humbler classes, there were others whom these practices tempted to follow a system of gross hypocrisy and deception,—the politicians who, without an honest sym-

* The author has, for instance, seen a process of deposition for laxness of discipline, in which the chief accuser and witness had to complain that, having committed an act of incontinence, he was not required to do penance for it. Hepburn, who separated from the church as a Cameronian, when charged, before his separation, with exercising discipline beyond the bounds of his parish, said, "With respect to that only instance libelled against me, the man had been under long conviction of his guilt, and was earnestly desirous of an opportunity to exoner his conscience by public confession, which, as I was credibly informed by some in the place where he lives, he had manifested by desiring access thereto from his minister, but was denied it. Whereupon, having a child to be baptised with me, being stumbled by his minister's foresaid refusal, and other things, I could not well deny him the liberty of making a public acknowledgment of his fault."—*Humble Pleadings for the Good Old Way*, p. 213.

pathy in their views, desired to found political power on external conformity with the requisitions of the more rigidly religious. Of the discipline to which the humbler classes were subjected, it has at least to be said, that it was of their own seeking, and entirely adjusted itself to their belief and the tone of their religious feelings. But almost as far back as the Reformation, there has been a contest between the two great social classes of the country on religious opinions, which seemed a living commentary on the indecorous jest of Charles II., that Presbyterianism was no religion for a gentleman. The Scottish gentry were perhaps too like him in not having much devotion for any other form; and much as has been said about the fervent religion of the Scots, very little of it has ever existed in the upper classes, among whom we would search in vain for any such decorous observance of the rites and ordinances of a church, as has ever been generally visible in a large body of the English gentry. Hence it is that strangers are puzzled to know whether they are to think of the Scots as Covenanters, or the Scots as Cavaliers—the terms attached to a conflict of two classes in Lowland Scotland, the commonality and the gentry; and sometimes the one predominates in the nation's history, and sometimes the other—hence its shifting lights.

Occasionally, as we have seen in these pages, the rigid Presbyterians counted among their devotees one or two members among the aristocracy; and occasionally, where political opinions, or class and personal interests, induced them, large bodies of the aristocracy made common cause with the national religious party. But, at other times, the rigid judicatories of the church carried on a petty harassing war with ungodly barons and lairds, who defied their authority, and, when it could be safely ventured on, ridiculed their pretensions. A few of them, however, at almost every period of the nation's later his-

tory, agreed to be thorough conformists for the sake of power. It would be difficult to decide how far some of them were sincere; but it is certain that the extreme rigidity which the Covenanting Presbyterians exacted from those who were to be counted among themselves, created several instances of deep and audacious hypocrisy.

As the type of this class, we may take James Erskine of Grange, whose memory is connected with a domestic romance which, in its wild features, could only arise out of moral and social principles so exaggerated—to the present time fortunately so strange—as we shall find his to have been. He was a brother of the Earl of Mar, and the principles of family attachment would have ranked him among the Jacobites, but that the perfidious versatility of the leader of the Rebellion prevented his family, as it did himself, from being claimed by any steady party. Erskine was placed on the bench in 1707, when he had but just reached manhood; he remained there until 1734.

He had long, for private reasons, nourished against Sir Robert Walpole such a fierce spirit of revengeful hatred as hearts like his can alone imbibe. He determined to enter Parliament, and join the phalanx engaged in its long death-struggle with the tenacious minister. A bill was then before the House to regulate abuses in Scottish elections, and Walpole dropped into it a short clause disqualifying judges of the Court of Session from being elected members of Parliament. He punished, but did not paralyse, his opponent; for Grange, having great reliance in his power of wounding, discarded his gown, and kept his seat.

Walpole had many secret feelers of political pulses distributed hither and thither, and learned many things on which he quietly acted, without deeming it necessary to make them public. There is little doubt that he knew Grange, under the mask of an ultra-presby-

terian to be hatching plots with his brother and the Jacobites. In his confidential correspondence we find Grange speaking moodily about official backs turned on him at levees, black looks from Lord Hay, and hints about things that had been seen in letters not intended for the perusal of those who had so seen them.* The publication, in the present day, of some of his confidential letters, enables us to see what Sir Robert was likely to find said about himself, when he intercepted the Judge's correspondence. In one of them, dated in 1733, he speaks of an insolent and rapacious minister taxing the nation with war burdens during peace, yet afraid to vindicate the national honour against insulting enemies—covering the country with "a swarm of fiscal vermin" for the enforcement of his "most damned excise scheme"—"plundering the revenue," and using all his art and bribes to suppress inquiry—employing "barefaced and avowed bribery of members of Parliament and others, and boasting of it—heaping up immense wealth to himself, and his most abject profligate creatures of both sexes"—and finally, and the great cause of all the lamentation, "employing insignificant brutes or the greatest rogues," "while men of merit and service, and of the best families and interest, are neglected and abused."* Though Walpole did not care for public vengeance or exposure, he was not disposed to permit the man who was deeply dipped in Jacobite intrigues, and given to speaking in this fashion, to be both a judge and a member of Parliament.

Erskine's social position was as peculiar as his domestic. From faint traces of his habits, it is known that he kept secret companionship with some of the profligate leaders of the Jacobite cause, but he required to conduct his

* See the very curious "Letters of Lord Grange," published in the third volume of the Miscellany of the Spalding Club.

† Ib., iii., p. 57.

intercourse with them, whether it were political or convivial, with dead secrecy. His frequent visits to London must have been a relief to the laborious mysteriousness of his convivial habits, while it opened to him a social circle, in which even one whose austerity was more sincere might have yielded to mingle. His brother's wife, Lady Mar, was the sister of Lady Mary Wortley Montagu. He had much intercourse with "Avidion and his wife," not always of a friendly character, and thus he was repeatedly in the centre of the most witty and brilliant circle of which the British empire could boast. In the exterior observances of what is polite and polished, it must have been in strange contrast with the arid zealots whom he met in church courts, or the fierce, rough, Jacobite intriguers who shared his secret symposiums in the oyster-cellars of Edinburgh.

But there was another sphere in which this versatile man had a position perhaps more peculiar still. His wife, a daughter of the Chiesly of Dalry who murdered President Lockhart, was a woman of fierce, proud, vindictive, and jealous temper. Aggravated apparently by habits of intoxication, her passions took at last the form of a partial insanity. She frequently exposed herself to notice by violent outbreaks, and the pious friends of the Judge pitied him sincerely in being subject to so terrible a domestic curse, accompanied by exposures doubly grievous to one of his sedate walk and conversation, while they admired the Christian meekness with which he bore the infliction.

At length, one day about the beginning of the year 1732, it was announced that the poor woman had died somewhat suddenly. It was a natural announcement surprising no one, and occasioning satisfaction rather than sorrow. Her funeral was duly attended, and she was soon forgotten. It was after the lapse of ten years that the strange secret of her fate was discovered. It is

a part of her husband's history so well known to the world as only to demand the briefest notice of its chief features. In the chambers which she occupied within a court in the High Street of Edinburgh, she was seized and gagged by a party of Highlanders. She was at first shifted about among the castellated mansions of some of the Lowland gentry, and at last entering the Highland line, was conveyed through Glencoe, and onward deeper among the mountains, until she reached the savage shores of Loch Hourn, where her keepers took boat for the Western Isles. She was for some time kept in the small island of Hesker, near Skye, and was finally conveyed to the more remote island-prison of St Kilda.

When this strange history became known, the venerable Judge established a plausible vindication for himself; the woman, he said, was mad, and there was no asylum fit for such patients in Scotland; what better could be done than provide her with a retreat where she was at once secure from escape and safe from injury? On the other hand, it was hinted that there were political reasons for the removal of Lady Grange. The wonder-loving world troubled itself little about the motives at work, and opinions oscillated between the two views. But the terms of Grange's confidential letters show beyond doubt that it was not alone the frantic temper of the woman, but those dreadful secrets unfortunately in her possession, which her fierce vindictiveness might lead her to reveal, that truly prompted him to act the kidnapper and jailer. He speaks of her threats as dealing with matters leading to Tyburn or the Grassmarket—the place where the gibbet was erected in Edinburgh; and though he naturally questioned if any one would seriously believe the assertions of the mad woman, he was inspired by them with a lively terror, and finding that she was flying on the wings of vengeance, to make revelations in

London, he, by aid of the friends who might have been implicated, stopped her career in the manner which affords so formidable an instance of the organised power of the Scottish Jacobites.

But this is not all that is revealed by this tell-tale correspondence. His own wife was not the only woman of weak or unsettled intellect on whom he had designs. He had a near connection, as we have seen, in a sister of Lady Mary Wortley Montagu. She, too, crosses the strain of his correspondence as one who suffered from irregularity of mind, though of a milder and less formidable character than the demon that possessed the murderer's daughter. The letters open some complex questions about property, in which his brother, his brother's wife, and he himself are concerned; but they afford no clue to their intricacies, and only show that Grange desired eagerly to have the whole matter at his own disposal, and for that object longed to get possession of the person of the Countess of Mar, and convey her to Scotland. He is seen complaining bitterly of the resistance to his plans offered by her relations, and especially by Lady Mary, whose sharp and fierce tongue seems to have galled his sensitive conscience beyond endurance. It is strange, just a year after the disappearance of his wife, to find him mentioning that they suspect, if he once get the poor woman in his possession, he may convey her to some remote solitude, where she will for ever be lost to the world. It appears from the correspondence that Grange, through some legal form, actually got possession of the poor lady, and was on his way with her to Scotland. It is natural to anticipate that her fate would have followed the precedent he had just set. But he was pursued by a vigilant and daring enemy; and he has to mention with indignant grief, that ere he crossed the border with his valuable spoil, he was pounced upon by Lady Mary,

armed with a king's-bench warrant for the restoration of her sister.*

It is almost frightful to find a man of this kind in firm alliance with the most rigid Presbyterian divines, conforming to the worship and discipline of their church so as to fulfil the amplest requisites of the most exacting, and a powerful and well-trusted member of the church courts. Among his many grounds of complaint, in his confessional letters, one is that men are advanced who had been unable, like himself, to make themselves acceptable to the religious world. He was an active as well as a submissive and conforming member. He was ever advocating the rights of "the Christian people," as Robespierre talked of the "*pauvre peuple*," "*peuple vertueux*." On the other hand, if there was any act of rigour, of harassing inquisition, of indecent outrage on private life or opinion to be carried out, Grange was the man to whom it was committed, and he performed the duty with genuine and unconcealed enjoyment.† It was impossible for such hideous duplicity to walk about unsuspected, and honest, simple-minded friends, like the zealous Wodrow, have occasionally to complain of the harsh insinuations thrown out against the virtuous and pious Judge.‡

It may be doubted if it increases the motliness of this character, that we find its owner keeping a diary in which he recorded his self-communings.§ It is difficult to say

* Miscellany of Spalding Club, p. 31.

† Many instances of his tyrannical and intolerant conduct may be found in Wodrow's "Analecta." He appears to have been the chief supporter on the bench of the punishment of Greenshields, the Episcopal clergyman.

‡ One day, according to Wodrow, he found attached to his door a "villanous paper," containing "Queries to my Lord Grange,—1. Whether he be a Jesuite or not? 2. Whether he be a pensioner to the pope? 3. Whether my Lord Grange can answer the former queries? 4. Whether, if he answer them, he ought to be believed?"—*Analecta*, iii., p. 510.

§ See Extracts from the Diary of a Member of the College of Justice, privately printed in 1843.

whether it was designed to impose on himself or impose on posterity, since it continues in a uniform strain the exalted tone of piety of one who, as Wodrow says, thought there was too much preaching up of morality and too little of Christ and grace. But there are some little symptoms throughout, as if of a conscience ill at ease within itself. It is the diary of a haunted mind, keeping up its religious fervour to drive out other thoughts, and seems to march steadily on in its adopted tone,

> "Like one that on a lonesome road doth walk in fear and dread,
> And having once turn'd round, walks on, and turns no more his head,
> Because he knows a frightful fiend doth close behind him tread."

Such was Lord Grange. In reviewing his character, it would afford a depressing notion of human nature to believe that many of his contemporaries approached him in duplicity and hypocrisy. But he was, perhaps in an extreme form, the kind of man which a rigid system, in which the powerful upper class of the country did not sincerely partake, was calculated to rear among those who pretended to comply with it.

At this period, however, the disposition of the Established Church was daily rendering such violent contrasts between secret and apparent character unnecessary. The system of discipline, as the outward type of the church's temper, was silently undergoing modification in harmony with the appeasing influences of a comfortable position in a comparatively well ordered national organisation. There was a natural reluctance to frighten away the gradually conforming members of the Episcopal persuasion by too great an exhibition of rigour. The descendants of a large portion of the northern Episcopalians, and the gentry throughout the whole country, were gradually becoming a valuable accession to the Established Church, and it suited neither the taste nor the interest of the majority of the clergy, by stern exactions, to keep them out of the sheepfold. These accessions

were not, however, obtained without sacrifices. A great portion of the common people, still partial to the old system, sought it where they could find it. And whether what the church gained in one direction was compensation for what she lost in another, will, perhaps, long be matter of dispute.

The proceedings of the General Assembly were visibly every year discarding a portion of the old fervid spiritual character, and assuming in its stead official formality and pomp. There was now no fear of any dispute between the spiritual privileges of the church and the temporal prerogative of the crown, for the government imposed its influence through the constitution of the Assembly itself, and directed the serious part of the business much as the ministers of the crown had been accustomed to lead the business of Parliament. The lord-advocate and solicitor-general, attending as ruling elders, and bringing with them their prompt habits and aptitude in transacting business, discomfited muirland ministers, who had come from their distant manses heavily laden with far-sought and discursive arguments, which they purposed leisurely to deposit in the minds of their brethren. Sometimes the great Earl of Ilay himself frowned down a pertinacious declaimer; and there was such an effective check on long discursive appeals, and violent protestations, that the fervent minority complained bitterly of their new bonds, rendered the more galling that their slavery to the Establishment brought them under the scorn and derision of their Cameronian friends who had departed from the flesh pots of Egypt.*

While the General Assembly, subject to such influences, left the old ways of the church, they still lingered in the provincial courts. There was thus, as we shall presently see, great antagonism between the local courts and that

* See Wodrow's Correspondence, iii., p. 254, *et seq.*

central body which was believed infallibly to represent them, because it was a general aggregate of their constituent elements.*

Not desiring, and perhaps unable from the constitution of their body, to suit their measures to the local disposition and peculiarities of the districts, the Assembly required a general conformity with the views of the majority—a conformity which, of course, involved gonism to the views of that minority of the aggr body which, in some of the districts, represented a s ing local majority. The cumulative majority, had venanting principles predominated, would have swep the church of everything uncovenanted. Now, however, the majority had turned the other way, and the relics of covenanting principles, though, on account of their fundamental connection with the history and traditions of the church, they could not be directly attacked, were palpably discountenanced. This spirit was conspicuously distinct in the vexed questions about the collation and presentation of ministers. Whatever views the majority of the Assembly might hold, the provincial courts were naturally apt to follow the genius and habit of the place. In the north, the popular spirit, leaning to Episcopacy, supported that tone of Presbyterianism which came nearest to it, while the south-west was still strongly Covenanting. In many instances the church courts declined to give any effect to the decisions of the Assembly, and pursued their own accustomed way. A plan was then adopted for putting the principles of the ma-

* The result, shown in long continued feud and occasional disruption, gives some support to that view of ecclesiastical polity which condemns aggregate meetings of clerical bodies while approving of their free action in small local corporations. The promulgators of this view hold, that when clerical disputes are frittered away in local discussions, here one party predominant, there another, there may be general discussion, but there are no critical conflicts, and no majority, hardened by a training to conclusive efforts, and flushed with victory in pitched battles of debate, tramples upon an embittered and humiliated minority.

jority of the Assembly in force in those districts where the local majority was on the other side. The decisions and instructions of the Assembly, instead of being committed as usual to the local courts, were put into the hands of special committees for execution. These bodies, consisting of strangers in the districts where they acted, and named Riding Committees, became signally offensive, and produced much local discontent.*

These changes in the practice of the Assembly, accompanying a modification of the principles predominating in the Church of Scotland, produced the discussions and feuds of which it is now necessary to offer an account.

* Their name of "Riding Committees" was derived, not from any equestrian practices or accomplishments attributed to them, but from an old semi-technical expression which alludes to any authority set over another as overriding it.

CHAPTER XX.

Effects of the New Spirit in the General Assembly—Conflicts with the Local Courts—Embittered by the Simsonian Controversy—The Great Marrow Question—Suppression of Protestations—The Church strengthens the Enforcement of Patronage by the Act of 1732—Revolt against it—Ebenezer Erskine—Proceedings against him and his Adherents—They draw themselves off, and Issue a Testimony—Proffers from the Cameronians—Tenour of their Conduct and Sentiments—Treatment by the People—Intercourse and Quarrel with Whitefield—The Cambuslang Revivals—The Division into Burghers and Anti-Burghers—Introduction of Tolerant Principles—The Glassites—History of the Episcopal Church in the interval of the Rebellions—The College Party—The Diocesan Party—Gadderer and his Usages—Condition of the Roman Catholics.

Between the years 1720 and 1730, standing feuds had been ripening in the Established Church between the majority in the General Assembly, and those majorities in subsidiary local assemblies who belonged to the aggregate minority. These disputes, of a subtle but extremely bitter and irritating kind, arose about the fundamental doctrines of the church. On either side they were driven to extremities instead of being discouraged. John Simson, the professor of divinity in the University of Glasgow, was long under suspicion of teaching erroneous doctrine on essential points. He was a metaphysical inquirer, whose mind appears to have wandered over minute subtleties without having the breadth of view or strength of classification which would enable him to group them into large principles. Hence arose much doubt and debate. If we are to believe the minuter opinions attributed to him,

when pushed to ultimate conclusions they would make a creed more like the Rationalism of the present day, than the views which a Scottish Presbyterian clergyman was bound in sincerity to his adopted faith to teach. But when he was driven to the ultimate great principles of his belief, he avowed them to be in entire conformity with the leading principles of Scottish Calvinism. Such men as Wodrow and his friends were sorely perplexed, and often lost their way in the nice intricacies of the path from Simson's minuter elucidations to the broad principles they were supposed to represent. He and his brethren saw, however, that the Professor was wrong, and he was denounced as a Pelagianist.*

The metaphysician seems to have aggravated the feeling against him by a silent but hardly disguised contempt of the country clergy and their clumsy handling of his subtleties. He would give them no aid to carry them through "where the great choak," as Wodrow calls it, lay. By the joint influence of his offensive opinions and contemptuous bearing, the western clergy were deeply exasperated against the Professor. The Presbytery of Glasgow struck his name out of the roll of ministers within their pale. Proceedings were instituted against

* The whole dispute will be found, besides the multitudinous allusions to it in contemporary tracts, set forth as fully in Wodrow's "Analecta" and "Correspondence," from time to time, as will satisfy the curiosity of the greater number of readers. It is abundantly dwelt on in the documents and pamphlets on the Secession. Wodrow, who was naturally a good-natured man, and would not have left so black a mark on the character of many of his contemporaries had he permitted himself to become acquainted with them, seems to have been staggered by the calm unconsciousness of the heretic's demeanour. "Mr Simson's easiness and undisturbed composure when before us, is really what I wonder at. Some pretty severe rencounters happened between him and Mr Allan Logan, and pretty severe inuendos in a very cutting way from my Lord Grange, etc. Yet under all, and after he saw everything going in another way than he inclined, he was no way dashed or sunk, under what would, I believe, have sunk any but himself, though innocent. Whether this proceeded from his reckoning upon the worst, or his consciousness how far he was superior to us—or at least his thinking so—or from what other reason, I do not know."—iii., p. 481.

him in the church courts, but they were distasteful to the majority in the General Assembly, and their progress was protracted through long debates. They had arrived at an admonitory conjuncture in the year 1717, but were not concluded until twelve years later. The minority, representing a majority of Simson's clerical neighbours, called eagerly for stern and final measures, by the deposition of the Professor from the ministry, and his incapacitation to keep his chair. After long delay, a modified censure only was passed on his opinions, and on his capacity as a teacher. At the same time he was suspended from his ministerial functions, until he should be restored by a future Assembly—an event which does not appear to have occurred. Thus his heterodoxy did not pass unpunished.* But his fate was the reluctant consummation of fifteen years' litigation before the church courts, during which his opponents were embittered by their baffled pursuit; and that he had not been immediately cast forth as heretical, was one of the main causes of enmity against the prevailing party in the church.

While this quarrel went on slowly but bitterly, another feud arose between the Assembly and one of the local judicatories. The renowned presbytery of Auchterarder had added to the tests established by the church a doctrinal opinion on a grave and fundamental matter, and refused to give a licentiate the usual attestation of his clerical position unless he agreed to adopt it. When the matter was brought before the Assembly, they not only issued a sharp admonition to presbyteries to abstain

* Acts of Assembly, 1715 to 1729 inclusive. As the minority were eager that, besides this sentence, he should be deposed from the ministry, and his friends showed extreme anxiety to check the zealous but kind-hearted Thomas Boston, in his desire to push the question to extremes, it would appear that he enjoyed a parochial benefice along with his chair. The church's thus sparing a heterodox man, was long adduced as a grievance by the Seceders, when they maintained that, though orthodox, they were visited by a severer sentence.

from offering any tests of their own to licentiates, but pronounced their abhorrence of that adopted by the presbytery, "as unsound and most detestable as it stands"—a declaration which was, of course, interpreted as a challenge to the minority to adopt and defend it where and when they could.*

Still more serious discussions composed what has been termed "the great Marrow controversy." In the days when Puritanism was triumphant in England, was published "The Marrow of Modern Divinity; part first, touching the Covenant of Works and the Covenant of Grace; part second, touching the most plain, pithy, and spiritual Exposition of the Ten Commandments." Dated in the year 1645, it bore the *imprimatur* of Joseph Caryl, the officer appointed by the all-powerful Assembly of Divines to license works of divinity, and was accompanied by recommendations from Burroughs, Sprigg, and other eminent Puritans. The name of its author, Edward Fisher, will not be found in the ordinary biographical dictionaries, but he happens to come within the respectable circle of Anthony Wood's academical notices; and when scoffers insisted that he was but an illiterate barber, it was shown from the *Athenæ Oxonienses*, that he was the son of a knight, and was a gentleman commoner of Brazen Nose, noted for his knowledge of ecclesiastical history, and his skill in ancient languages. His book, indeed, bears testimony to scholarship, though its doctrines were not those which generally prevailed at the fountains of English learning. It drew, from the writings of Luther and other fathers of the Reformation, their views on such great questions as justification and sanctification, and delivered them in a lively and fervent dialogue.

* The essential part of the test to which the presbytery of Auchterarder ired adherence, was—"I believe that it is not sound and orthodox to teach that we must forsake sin, in order to our coming to Christ and instating us in covenant with God."—*Acts of Assembly*, 1717.

The book was popular in its day; but it was overwhelmed with many others of a like kind, and buried out of sight by the great re-actionary tide of anti-puritanical feeling accompanying the Restoration. So lost to sight in England, it was, however, destined to become in Scotland a headstone of the corner. A veteran Puritan soldier, who died in a remote parish of Berwickshire, had left behind him one or two religious books. The Reverend Thomas Boston, author of "The Four-fold State," when visiting his flock from house to house, one day stumbled on the little treasure. The first he took up was, "Christ's Blood Flowing Freely," by Saltmarsh. This he laid aside as unedifying. The next volume he opened was "The Marrow;" and, fascinated with its genial contents, he read on, feeling that it at once opened to him that door of the sanctuary after which he had been but dubiously groping, and created that change of heart which it was the doctrine of his theological school to hold essential. The precious volume was handed about among devout friends; and a party of the clergy, believing that it contained an antidote to the opinions then poisoning the well of spiritual instruction, resolved to revive it.

The volume was printed under the auspices of the Reverend James Hogg, and instantaneously achieved a mighty popularity. But its acceptability with one portion of the church was met by the thorough antagonism of another. The publication of this book, avowedly as the standard of opinion by a party of the church, created a rancorous and dreary controversy, in which the adherents of "The Marrow" were denounced as Antinomians, and their antagonists as mere Legalists. The ruling party in the Assembly had the folly to believe that they could quench the dispute by authority. In the year 1720, they passed an act "concerning a book entitled 'The Marrow of Modern Divinity,'" in which they denounced a series

of specific opinions contained in its pages, prohibited the clergy from citing and recommending the book, and directed them, on the contrary, to exhort their people not to read or use it. Such injunctions are never obeyed. The popularity of the condemned book received a new impulse. Twelve of the most able and popular clergy in the church, not content with simple disobedience, thought themselves constrained to lift up their testimony, and gave in to the Assembly a formal representation against their act. Those who adhered to this document, received the party-title of the Marrow-men, and became a power in the state which their opponents regretted that they had raised. Their triumph was enlarged and glorified by the publication, under the fervour of the controversy, of Boston's "Four-fold State," one of the most popular religious books among the Presbyterians both of Scotland and England. The General Assembly, after investigations according to their usual forms, passed an act in 1722, declaratory of their canons on the disputed doctrines. It professed to confirm and enlarge the declaration of 1720; but those who were practically interested in the controversy, professed to discover in it a modification of the more dogmatic elements. The injunction against teaching the condemned doctrines was renewed, and the twelve Marrow-men were rebuked. They left behind them a protest, which seemed to challenge the Assembly to take further steps; but a prudence which seldom presides in such discussions, restrained the triumphant majority, and the Marrow controversy was thenceforth dispersed through the provinces.

The Assembly pursued moderate counsels for some time, but gradually resumed internal hostilities; and among other highly irritating acts, made a rule for ejecting from its meetings the torrent of separate protestations and reclamations poured in upon it by individual mem-

bers of the minority. How far it is compatible with the transaction of business in a debating legislative body, that all who are beaten in divisions, should record, among its proceedings, at any length they please, their conviction that the decision is wrong and should be resisted, is a question which there is no occasion here to discuss. It is only necessary to notice that, unfortunately for the peace of the Scottish Church, the arrangement was adopted at a time when those who wanted to protest were a strong body, with views which they were determined to work out in this or some other form.

Among the rejected protestations, a long and solemn "Representation and Petition," signed by forty-two clergymen, and presented in 1732, was refused a place in the official records of the court. From the events following, it had, however, a place in the history of the church.* The representers went over specifically the complaints of their party against the defections of the majority. They referred not only to those things which they charged the leaders of the church with having done in latter years, but denounced their tacit submission to a course of legislation by which the church had been gradually stripped of her prerogatives. Thus they complained of the government oaths—of the hierarchal test to which members of their church were subjected when holding office in England—of the laxity of the church in dealing with Professor Simson, and other false [illegible]chers—and of the Patronage Act. With these lapses [illegible]om the good old way, true to the principles of the

* "The humble Representation and Petition of some Ministers and Elders to the Venerable Assembly of the Church of Scotland, met at Edinburgh May 4, 1732, anent Grievances." Edin. 1732. 4to. This document will be found at length, with many other papers of the same class, in a "History of Scotland from the Union to the Abolition of the Heritable Jurisdictions." By John Struthers, i., p. 599, *et seq.* This work is valuable from the number of documents, not otherwise obtainable in a collective shape, printed in it at full length. Its author has strong religious prejudices, warping his opinions on political events; but his statements of facts are generally fair.

Covenant, they denounced the permission of "an almost boundless toleration in Scotland, whereby error, superstition, and profaneness, are much encouraged, and the discipline of this church weakened by withdrawing the concurrence of the civil magistrate."

At the time when this document was presented, an alarming legislative movement occurred in the Assembly, in the adoption of a regulation, believed, as it stood, to have only temporary authority, but capable, by farther assent, of becoming a permanent law of the church. It showed that at last the dominant party had resolved to strike their opponents right in the face.

The power of patronage was not vested entirely in the landed gentry—a large share of it, in its final practical application, belonged to the church. Her leaders had been long charged with basely submitting, without due remonstrance, to the legislative enactment of patronage —they were now to use their own predominance in the superior ecclesiastical courts to carry out more fully the spirit of the offensive privilege. It will be remembered that, when a patron did not offer an accepting presentee to a vacant charge within six months, the right of presentation lapsed, as it does still, to the presbytery. In 1732, an act of Assembly was passed, regulating the method in which presbyteries were to exercise the right of patronage which must thus occasionally fall into their hands. The plan adopted was, that the preliminary call should be signed by the elders and the protestant heritors or landlords, and the congregation might state objections, the efficacy of which was to be judged by the presbytery. It was among the objections to this measure, that it was said never to have received the proper sanction from the local courts necessary to so fundamental a change in the law of the church. But its immediate ground of offence lay in this, that no absolute power of rejection or refusal was given to the congregation. They could

only plead their objections before the presbytery, while, as to the preliminary step, it was not put into the hands of the faithful communicants, but of the heritors, who might be Episcopalians, Jacobites, sceptics, or absentees. The kingdom said to be not of this world, was thus connected with the basest elements of worldliness. The souls thirsting after the true ministry were the real concern of the church; but here she had considered acres of clay which afforded nourishment to the body, but had forgotten the immortal soul to be saved. Such were the sentiments expressed on the conduct of the Assembly by Ebenezer Erskine, the leader of the party who speedily separated from the Establishment.* It fell to his lot to find another and still more authoritative place where he could lift up his voice against the deed. He was moderator of the synod of Stirling and Perth. The period of his presidency was expiring; but before handing his successor into the chair, it was his function, according to established etiquette, to preach a farewell sermon to the synod. It was delivered on the 18th of October. Present on that occasion were many of those who had carried the offensive act. Perhaps it was not the preacher's intention to launch into controversy; but seeing there those whom he counted the betrayers of their sacred trust—led on

* "What difference does a piece of land make between man and man in the affairs of Christ's kingdom, which is not of this world? Are we not commanded in the Word to do nothing by partiality, whereas here is the most manifest partiality in the world. We must have 'the faith of the Lord Jesus Christ,' or the privileges of His church, 'without respect of persons,' whereas, by this act, we show respect to the man with the gold ring and the gay clothing beyond the man with the vile raiment and poor attire. I conceive that our public managements and acts should run in the same channel with God's way—not diverging. We are told that God hath chosen the poor of this world rich in faith. It is not said He hath chosen the heritors of this world, as we have done; but He hath "chosen the poor of this world rich in faith, and heirs of the kingdom;" and if they be heirs of the kingdom, I wish to know by what warrant they are stript of the privileges of the kingdom."—*Thomson's Historical Sketch*, p. 37.

probably by his text, "The stone which the builders refused, is become the head stone of the corner,"—he felt growing within him that invincible impetus to denounce the compliances of the times, which was believed to be not only a solemn duty of him who occupied the chair of exhortation and reproof, but a sort of inspiration from a higher power, which it was a wickedness to resist. He heard the "Cry aloud, spare not: lift up thy voice like a trumpet, and show my people their transgressions and the house of Jacob their sins;" and forthwith he rushed into a rapid denunciation of the many prevailing defections with which he and his friends charged the Church of Scotland, assailing the unfaithful builders with that ready, fervid, and seemingly irrestrainable rather than artificially created rhetoric of which he was a master.*

The position of the unfaithful builders there present, was not agreeable. They complained of bad taste, and something like bad faith, in one having incidentally the command of that unassailable clerical fortress, the pulpit, employing it in fighting his polemical battles. But opposite parties can never be found to take the same view of such matters. Erskine's friends deemed that he had providentially been set in that pulpit, before the chief offenders, that he might castigate them with the

* In the ensuing pages, besides the documents specially referred to, and the pamphlets of the day, use has been made of the following works:—"Memoirs of the Secession." By the Rev. John Brown of Haddington. MS. in the possession of the Rev. Dr John Brown, by whose permission it has been consulted. This is the extended work whence its author's sketch of the "History of the Secession" was abridged. "A Defence of the Reformation Principles of the Church of Scotland." By William Wilson, A.M., Minister of the Gospel at Perth. "Memoirs of the Rev. William Wilson." By the Rev. Andrew Ferrier. "A Fair and Impartial Testimony, essayed in name of a number of Ministers, Elders, and Christian People of the Church of Scotland, unto the laudable Principles, Wrestlings, and Attainments of that Church, etc., commonly called 'Willison's Testimony.'" "Gib's Display of the Secession Testimony." "History of the Secession Church." By the Rev. John M'Kerrow. Series of histories and biographies, published under the title of "The United Presbyterian Fathers."

stripes of righteous scorn; and in their complaints they received no more sympathy than the convicted offender who grumbles about the judge's admonition.

Ebenezer Erskine was then in the fifty-second year of his age. He was a scholar and a gentleman; and his acquirements and deportment saved him from the reproach of ignorant and vulgar fanaticism. Though the son of a nonjuring clergyman of the days of the persecution, and said indeed, traditionally, to have been born in the state prison of the Bass, he was a man of lineage, counting kin with some of the first houses in Scotland. He thus united those two idols of the Scottish common people, which they regretted to see so seldom in conjunction—antiquity of blood and orthodoxy of creed. His popularity and influence over the people were vast. He possessed that rising and seemingly involuntary and irresistibly-fed eloquence, ever welcome and refreshing to the fervent Presbyterians of Scotland, who have not even yet lost an old standing objection to prepared and digested discourses, especially when they carry the evidence of their premeditation to the pulpit, by being read from a manuscript.* Erskine was a gushing fountain of the living waters of their favourite rhetoric that never failed them. Hence, on the great days of assemblage at the communion, people would flock from far across the hills to the deep emphatic enjoyment of that religious festival, in the quiet parish of Portmoak, and sat in thou-

* This, like many other of the peculiar traditions of the church, seems to have had its origin in the days when the popular clergy were scarcely deemed ordinary human beings, and were supposed to speak under direct inspiration. In the "Representation" of 1732, there was complaint of the "method and strain of preaching," introduced by young ministers, "very offensive to many of God's people, and no small obstruction of spiritual edification." "Yea," the document continued, "a young minister appointed to preach before his Majesty's Commissioner to the last Assembly, had the assurance, even on that solemn occasion, to add to former innovations that of reading his sermon openly, though he could not but know it would give great offence both to ministers and people of this church."

sands on the hill-side, deriving exquisite enjoyment from addresses, which, after the first surprise of their novelty and vivid rhetoric was over, would have been eminently tiresome to persons of different religious sentiments.

Such was the person who took the opportunity of occupying the pulpit, to denounce the principles of the ecclesiastical brethren who sat around him. His hearers, who were also his judges, lost not a moment in bringing him for judgment before the synod they were assembled to hold; and after a debate, hot and fierce, as its immediate exciting cause would naturally render it, the body resolved that he should be rebuked and admonished. But as on one driven forward on his course by impulses not controllable by the human will, the storm so beginning fell in vain. "According to the utterance," he said, "given by the Lord to me at Perth, I have delivered his mind, particularly with relation to some pervading acts of the day, which to me are matter of confession, and therefore I dare not retract the least part of that testimony."

The question was appealed to the General Assembly, which sat on the 3d of May 1733. Erskine was heard in his defence, but there was a clear majority against him; and the rebuke was confirmed. A court of justice, whatever previous discussion and argumentation it may permit, allows none after judgment—its decree must be silently accepted as fate. Ecclesiastical courts adopt the same principle, but cannot always carry it out in practice, for the condemned clerical criminal is apt to assume the function of the judge, and fulminate back the denunciations of the tribunal. The Assembly, according to the rule which had given so much offence, would not permit Erskine, and three brethren who supported him, to enter a protest against their proceedings. It happened, however, that ere they withdrew, they left the document of protest on the table. It passed some time unnoticed—the Assembly were proceeding to other busi-

ness, and indeed were indulging themselves in the belief that the affair was over, when the portentous bit of paper caught the eye of a certain Mr James Nasmyth, minister of Dalmeny, pronounced by a contemporary "a fiery man in the corrupt measures of that time." Starting up, he raised instant curiosity by begging that business might cease until he intimated a momentous discovery, and then, with a loud voice calculated to deepen the obdurate tone of the offensive matter, he read forth the emphatic protest. Though thus read by one of themselves, it had no less irritating an influence on the assemblage than if it had been boldly proclaimed against their rules and commands by the recusants. An officer of the assembly was despatched to find the four brethren and bring them up to the bar. A committee was appointed to "deal with them" according to the practice of the church: but all in vain. It was then resolved, in an angry house, that the Commission which represents the Assembly in the long interval between its sittings, should deal with these recusants, and if they did not show penitence, should depose them from their functions, announcing a higher ecclesiastical punishment should they still remain contumacious.*

When brought up before this body, they had no more intention of retracting and expressing sorrow, than of renouncing their baptism, and becoming Mohammedans. Mr Erskine, indeed, in the meantime employed himself in publishing his offensive sermon, with some vindicatory passages expressive of his determination to abide by it. In fact, the little cluster of friends began to feel their strength in the church, where a large party were forming, who, if not with them in all their views, exclaimed vehemently against their being punished. In August,

* See the account of the scene at the commencement of "The Display of the Secession Testimony," by the celebrated Secession clergyman, Adam Gib, who was present; and Thomson's "Historical Sketch."

they were suspended from their duties. In November, the higher punishment for contumacy was imposed, the tenor of which was to loose their relation to their charges, and declare them no longer members of the Church of Scotland,—a sentence which had the substantial effect, though not the opprobrious name, of an absolute deposition from the ministry. These things were done, it will be observed, by the Commission, which was properly a committee, and they might be revoked by the Assembly at a formal sitting, so that the absolute amputation was still avoidable. There was every reason to expect an accommodation, for the portion of the church who were opposed to extreme measures against the recusants, had so increased, that on a critical vote in these later proceedings of the commission, there was an equal number on either side, and the moderator or chairman carried the penal resolution with his casting vote. This naturally created alarm, by indicating how large a portion of the fabric yielded in the direction of that part which was to be cut away.

When the next General Assembly opened in 1734, such anticipations seemed amply confirmed. There was a re-action in the body—no one could tell exactly how. In a representative assembly of this kind, where there are not open electoral contests, slight shades of difference in local pulpit or presbyterial opinion make wide contrasts in collective judgments; and the presbyteries, with a slight inclination probably towards the man who seemed to have been hardly used, collectively sent to the Assembly a body with totally different sentiments from their predecessors. Whether this be a just account of the cause or not, the Assembly of 1734 seems always to astonish the friends of the Secession and Anti-patronage party with the tendency of its measures towards their own views. At the commencement of their sittings, they took care to except the condemnation

of Erskine and his friends from those proceedings of the commission to which they gave a solemn sanction, which is one of the usual formal actions of a General Assembly. This was more than a mere opening of the question—it tended in the direction of reversing the condemnatory judgments. Without enumerating details of a set of ecclesiastical proceedings, of which the form as well as the substance has given life to a quantity of parochial criticism, it is sufficient here to say that, instructed by the General Assembly, the provincial synod of Stirling restored Erskine and his three brethren to their ministerial position, and all seemed well again. "Let bygones be bygones," was one of the expressions of good fellowship offered at the bar of the ecclesiastical tribunal by those who had been the judges, to those who had been the convicts; and to show how sincere was the spirit of reconciliation, Erskine was asked to be moderator of his presbytery—a deputation from which waited on him, with great courtesy, as on a hostile power with which peace had just been concluded, to desire him to become their chairman.

He declined the honour; and an affair which is generally one of etiquette and routine, afforded the first indication of a haughty spirit of religious isolation, which rapidly developed itself among the recusants when the pressure of the Establishment was removed. Dissent in England had generally been gentle, or at least humble, —its adherents, conscious of the strength and splendour of the great Establishment from which they departed, quietly seeking relief for tender consciences. In Scotland, every cluster separating from the Establishment—and even, as we shall see, sub-separating itself from any considerable dissenting body—at once assumed the position of "the Church," became an ecclesiastical power, and passed sentence on the body from which it had separated, as heretical and schismatic. There was a

reason for the distinction in the relative character of dissent in the two churches. In England, it was not only that, in looking from the church to dissent, men of social rank and high scholarship were put in comparison with flighty attorneys' clerks, and serious weavers, who had got a call; but that the great Establishment to which, with a mere scattering of exceptions, the main bulk of the nation was attached, kept to its old principles, while the Dissenters struck out innovations. Hence, by a natural law of English feeling, which abhors novelties, they were condemned to content themselves with the mere outskirts of the population. On the other hand, Scottish dissent always tended to preserve the old principles of the church, whence the Establishment, by the progress of enlightenment, as some said—by deterioration, according to others—was lapsing. Looking at these distinctions, the conduct of Erskine and his brethren is natural. Day by day, though feeling more deeply that the Establishment was lapsing from what they deemed fundamental principles, they were unwilling to separate themselves and make their stand; but once having done so, they set a century between themselves and the church, dividing themselves from all the laxities of modern days; and, taking up their position as the old Covenanting church of Charles I.'s day, they put on trial, from that high antique judgment-seat, the degenerate Scottish Establishment, and condemned it. They had remained in the Establishment, not as loving and aiding it in the spirit which influenced it, but for the purpose of overcoming the evil spirit, and turning the policy of the body in the right direction. Failing in this, they resolved to go forth, and, taking their place on the eminence where it ought to have stood, pronounce sentence against it.

Thus the tone of those who had been receiving sympathy as the victims of clerical oppression, began to be

haughty and authoritative. It was not solely directed in argumentative hostility against those who had oppressed them, but in disdainful reproof to those who, though sympathising with them, remained in connection with the erring Establishment.*

The recusants had, in fact, on the 15th of December 1733, met at a remote hamlet in Kinross-shire, called Gairney Brig, where they formed themselves into a Presbytery,—thus becoming a presbyterian church court distinct from the Establishment's tribunals. They yet were not disconnected, as clergymen, with their parishes, or as incumbents, with their stipends. Gaining some accessions to their numbers, they drew up a formal statement of their ground of separation from the Establishment. It was deemed afterwards to be merely provisional, and received the name of "The Extra-judicial Testimony," when, in 1736, a fuller document, which must be held as the revised standard of the Secession,

* "Some brethren call us to come in and help them against the current of defection; but now that the hand of Providence has taken us out of the current against which we were swimming, and set us upon the reformation ground, by a solemn testimony and constitution, it would be vain for us to endanger ourselves by running into the current again, unless our reverend brethren, who call for our help, can persuade us that our so doing will turn the current, and save both them and ourselves, and so preserve the Lord's work and testimony."—*Letter from Rev. Ebenezer Erskine to the Presbytery of Stirling: M'Kerrow's History of the Secession*, i., p. 114.

Their haughty tone, however, did much to deprive them of sympathy, and to restrict the extent of the secession accomplished by them. It has not entirely met the approval of their own body in later times; and the most eminent of their clergy in the next generation has said:—"If I may for once give my own judgment, I fear it will not be easy to vindicate the whole conduct on either side. I cannot vindicate these brethren, their keeping at such distance from, and being so reserved to, those ministers they had reason to look on as their friends, and their refusing to present to the Assembly 1734 a scheme of the government they wanted redressed, though in town, and urged hereto by some of their friends; and, on the other hand, I cannot vindicate the Assembly, their not doing more to redress their grievances, since they had occasion to know sufficiently what they were from their first testimony, and not giving them a plain, wide, and open door to re-enter by." —*Brown of Haddington's MS.*, p. 103.

was issued, and received the distinguishing title of "The Judicial Testimony."*

In 1742, they issued what was called "An enlargement of their testimony, with respect to some injuries done to the doctrine of grace"—a polemical criticism on prevailing doctrines of the Church of Scotland, and in a great measure a vindication of the principles of Fisher's "Marrow of Modern Divinity."

"The Judicial Testimony," which has more reference to history than the act concerning the doctrine of grace, began with solemn judicial gravity, and was expressed in terms which, though certainly not in conformity with the received rules of rhetoric of the time, have yet an impressive earnestness which might make the document interesting, even in those quarters beyond the circle of its adherents, to which it can have rarely penetrated. It offered, at the beginning, a historical development of the various steps which the Church of Scotland had made onwards to perfection in the second Reformation, followed by an account of her retrogression in later times. The historical accuracy of the account of earlier matters has been doubted; and though it forms an interesting piece of reading, it does not invite criticism on this occasion. Of the "Condemning part of the testimony," it may safely be said, that few ecclesiastical standards would, as the following statements will show, afford a more fallacious view of the sentiments professed within half a century afterwards by the ecclesiastical body who set it forth as their standard. It enumerated the heinous sins and provocations for which all ranks in the land

* "Act, Declaration, and Testimony for the doctrine, worship, discipline, and government of the Church of Scotland, agreeable to the Word of God, the Confession of Faith, the National Covenant of Scotland, and the Solemn League and Covenant of the three nations, and against several steps of defection from the same, both in former and present times; by some ministers associate together for the exercise of church government and discipline in a Presbyterial capacity." It is often found printed in a separate pamphlet.

had reason to mourn before the Lord, lest by their continual and growing impenitency and obduration, they might incur His righteous judgments. Among these, first and most prominent, was the Revolution Settlement, which refused to re-enact or acknowledge the Covenant, while the Assembly failed "to assert the divine right of presbytery, and the intrinsic power of the church." "Nor," they said, "has the obligation of our Covenants, National and Solemn League, with their binding force upon posterity, ever been expressly asserted by any particular act of Assembly since the Revolution, nor has the Solemn League and Covenant been expressly named in any of the grounds of national fasting since that time." In place of these hallowed documents, which united the three kingdoms in one great testimony against Popery, Prelacy, and all error, the incorporating union combined the nations on principles totally opposite, "in regard the maintenance and preservation of the doctrine, worship, government, and discipline of the Church of England is made a fundamental and essential part of the union of the two kingdoms." Nor was this all; for a lax toleration of Episcopacy, and other forms of error productive of the most direful consequences, was afterwards brought even within Scotland, while it was accompanied by the imposition of oaths according to new and superstitious forms, requiring assertions which could not conscientiously be taken, and affecting the headship of Christ by secular dictation in matters of religion.* It is

* A passage from this part of the "Testimony" may be taken as a characteristic specimen:—

"In the year 1712, an almost boundless toleration is granted; by which the government and discipline of this church were exceedingly weakened: and a wide door was opened for laxness in principle, which never fails to bring alongst with it looseness in practice. This toleration, as the then commission of the General Assembly observed in their address to Queen Anne,—'is such as gives a large license almost to all error and blasphemy, throws up all good discipline; to the dishonour of God, and the scandal and ruin of the Christian religion.' Tolerations of this kind are contrary to the word

remarkable that the Patronage Act has little more than casual mention, along with the toleration of Episcopacy and the establishment of the superstitious Christmas holidays in the Court of Session; but there are ample and severe denunciations of the ecclesiastical tribunals, for their efforts to give efficacy to the grievance of patronage, and restrain Christian liberty. There was much lamentation over the laxness of discipline in the Establishment, which had not only allowed heretical teachers like Mr Simson to escape without signal punishment, but permitted to exist throughout the land gross immoralities, crying aloud for judgment. The church was denounced for not exercising, as of old, her discipline against great men, when they forgot their duty, and she was reminded of the boldness with which kings and statesmen were, in former days,

of God; and to the principles of this church contained in the Confession [chap. xx. § 4, chap, xxiii. § 3] and the answer to the question in the Larger Catechism, What are the sins forbidden in the second commandment? And the present was mainly intended and designed for strengthening and supporting a malignant and disaffected party in Scotland,—who, ever since the Revolution, have openly espoused the cause and interest of a popish pretender; and whose meetings, to this day, are not only nurseries of superstition, but seminaries of disaffection to our sovereign King George, and the protestant succession of his illustrious family.

"As this boundless toleration is a stroke and judgment upon this church and land, so the growth of error and superstition—the genuine fruits and effects of the same—may be justly reckoned among the causes of the Lord's wrath against sinful and backsliding Scotland. It deserves also to be noticed, that the English liturgy and ceremonies were never received, even by those of the Episcopal denomination in Scotland, till after the late incorporating union, when a manner of worship, never practised in Scotland, was set up in [redacted] corners of the land. Together with the said act of toleration, the [redacted]th of abjuration, which was at first required to be sworn [redacted] by all persons in civil and military trust, was now [redacted]s of this church: which, besides the dismal effects [redacted]nd breaking the ministry among themselves, may be [redacted] of our public national sins; in so far as the united constitution, directly opposite to our Covenant union, is thereby homologate and sworn unto; and in regard the said oath, together with the allegiance, is substitute in the room of our solemn national Covenants, which contain the strictest engagements of duty to the sovereign, a most solemn renunciation of Popery, and consequently of all popish pretenders whatsoever."

brought to judgment,—a reprimand touching the Establishment in a sensitive part, since its clergy were not inclined, by resuming the old rigid system, to drive away a desirable class of conformists. In this part of their testimony, the Seceders left a prominent mark for the scorner, in denouncing, along with stage-plays and other vanities, the repeal of the laws against witchcraft,—a passage to which it is necessary to refer as a feature of the times, but which it would scarcely be fair to pass over without mentioning that it did not stand long recorded, without calling regretful notice from influential members of the new church.*

The testimony was not merely an exoneration of its adherents; it was the decree of a supreme ecclesiastical court, which, if it was not, yet ought to be, binding on all men; and so it concluded each department with a

* The very remarkable part of the testimony here alluded to is the following:—

"All the above-mentioned steps of defection and apostasy, are followed with many evident signs and causes of the Lord's departure; such as abounding profanity, impiety, and the vilest immoralities of all sorts,—wherewith the land is greatly polluted. The profane diversions of the stage, together with night assemblies and balls. These sinful occasions of wantonness and prodigality, are encouraged and countenanced in the most considerable cities of the nation. Likewise an idolatrous picture of our Lord and Saviour Jesus Christ was well received in some remarkable places of the land. And though popish errors and delusions abound more and more, and the abominable idolatry of the mass is openly frequented in many corners of this land; yet no proper nor effectual remedies are applied against this growing evil. And particularly, church discipline is not duly exercised against Papists, according to former laudable acts and constitutions of this church. And of late, the penal statutes against witches have been repealed [redacted] to the express letter of the law of God—'Thou shalt [redacted] live.' 'There shall not be found among you any [redacted] his daughter to pass through the fire; or that useth [redacted] of times, or an enchanter, or a witch, or a charmer [redacted] familiar spirits, or a wizard, or a necromancer: for all [redacted] an abomination to the Lord: And because of these abominations, the Lord thy God doth drive them out from before thee.'

"Also, the common impressions of God are in a great measure worn off the spirits of men; the power of religion is daily decaying through the land. The very form of it is despised by many, and rested upon by others; which

decision, in which they "judge it their duty to condemn, like as they hereby do condemn, all the foresaid steps of defection, for the several grounds and reasons above condescended upon, as contrary to the Word of God and our solemn covenant engagements; and they hereby declare that they are *national sins,* and every one of them may be justly reckoned among the grounds and causes of the Lord's indignation and controversy with us, for which all ranks of persons have reason to be deeply humbled before the Lord."

It was natural that the Cameronians should expect to find, in the body departing from the Establishment, an accession to their own rigid ranks, and a commencement of that enlargement of their true church, which was to spread its victories over the world. They moved with their usual prompt activity, and prepared a

is occasioned by the general contempt of the Gospel,—and neglecting the great salvation, brought near therein to sinners of all sorts: upon which account the Lord is provoked to withdraw, in a great measure, from his own ordinances,—and to restrain the gracious influences of his Holy Spirit; whereby multitudes, under the means of grace, are lying scattered like dry bones about the grave's mouth:—A sad evidence of the departure of a spirit of prayer; and of mourning for our own sins, and the abominations that are done in the midst of us: Especially when it is considered, that a dreadful spirit of security, deadness, and indifferency, prevails among all ranks of persons, notwithstanding of the many evident symptoms of the Lord's anger and displeasure gone forth against us.

"Our nobility and barons, who have sometimes appeared with an heroic zeal and resolution for maintaining and advancing a work of reformation, have generally burst the Lord's bands asunder, and have cast his cords from them; insomuch, that the very form of family worship is either despised or neglected by the most part of them. Our burgesses and commons, who have made a zealous profession of the truths of the Gospel, for the most part 'know not the way of the Lord, nor the judgment of their God.' The ministers of the house of God, who have sometimes set the trumpet to their mouth, and shown to the house of Jacob their sin and their transgression, are under a more than ordinary restraint of the Spirit of God; and he that speaks against the evils of this degenerate day, makes himself a prey. Every one of us, in many, if not in all the above particular instances, are some way or other deeply involved in the provocation: The sun is gone down upon us, we do not behold our signs; and 'there is not a prophet, nor any that knows the time how long.'"

commentary on the "Testimony" of the Seceders, laying down forty heads of omission in the condemnatory portion of the document, or so many farther defections of the times which it was necessary to denounce, ere the new sect had purified itself sufficiently to be enrolled among the united societies. This comprehensive addition to the testimonies, beginning near home, denounced the kirk treasurer of Edinburgh for a virtual sale of indulgences by receiving money payments as a substitute for ecclesiastical penance from erring persons subjected to discipline; and, expanding its censures, passed through attacks on the internal administration of the British government, to the foreign policy which involved the nation in the wickedness of alliance with the followers of Popery.*

But with an appearance of external similarity, there was a radical distinction between the two bodies of dissenters, which rendered an alliance impossible. The tendency of the Secession, though it did not appear distinctly until after the lapse of years, was to deal solely with religion and spiritual matters. They were the soldiers of no theocracy such as that of the Hillmen, whose function it was to enforce the reign of righteousness in all things. Their tendency was to be loyal to the constitution, where it did not touch the rights they counted spiritual. The proffered alliance with the Cameronians dropped immediately, and the earliest difficulties of the new body were in severing from themselves some co-adjutors who desired to mix up attacks upon the policy of the state with the testimonies of the Secession.. Among the charges against them of assuming the functions of the established church, was their early excommunication of members of their body, for uttering sentiments disloyal to the government.

Though the Seceders had isolated themselves so early

* Brown's MS., p. 73.

as the year 1733, it was not until May, in the year 1740, that they were fairly severed by a judicial act of the General Assembly from the Established Church. Many efforts were made to reconcile them; but they were now the haughty condemners, rather than the reluctant impugners, of the Establishment. They were not to go thither and seek an entrance; they called on that body to come to them, and, by penitence for past transgressions, be reconciled to the true church. The body then amounted to eight in number, and, speedily increasing, they formed themselves into a synod, appointed a seminary, and ordained pastors. An event already related served incidentally to swell their ranks. The act about the Porteous mob, with the offer of a reward for the apprehension of the murderers, was, as we have seen, appointed with signal legislative folly, to be read from every parochial pulpit during the time of divine worship on the first Sunday of each month during a year. Perverse ingenuity could scarcely have devised a better means of dividing and breaking up the Presbyterian Establishment, to no end. The Seceders received among themselves the few out of a large discontented body to whom this imposition was intolerable. Had the managers of the Secession, indeed, been men after this world, they might, through this and other causes, have by subtle management at once made a large and influential church. But they evidently acted from the beginning on simple, honest impulse, without guile or reliance on the arm of the flesh. They made no arrangement for their own maintenance as a clerical body. And, what seems more remarkable, they organised no system, and made no serious effort to bring forth the great body in the church who certainly thought with them. The numbers on their side were shown, not only by the continued increase of their own body, but by the formation, a few years afterwards, of the Relief Church, for receiving those

members of the Establishment, who, like them, felt aggrieved by the policy then ruling its conduct. Peculiar circumstances prevented the dissentient element from spontaneously separating from the Establishment in one compact mass. In the southern counties, touching the favoured abode of the Cameronians, there was a preponderance of clergy who always approached their primitive covenanting spirit. But it was exactly their preponderance that prevented them, by having matters in their local courts their own way, from feeling the grievances of those who, in the middle and northern districts, held the same views. Thus the Secession came out from that part of the church where, locally, its principles were weakest. Hence a large party remained in the Establishment, thoroughly discontented with its ruling principles; while the Secession found in them jealous rivals in religious fervour, instead of conducting them forth as ardent allies.

This false position naturally created much distrust and evil blood between those who should have been rather coadjutors than opponents. The Seceder clergy had, of course, their popular friends who would have readily done violence for the pastors whom they saw extruded from the manse and the church, had they been invited to outrage. On the other hand, they were not only discountenanced by the great, but frequently insulted by the mob. It was the time when the gifted Whitfield was in the middle of those conquering labours in which he passed from place to place like an arousing spirit. It appeared as if a great revival in England were accompanying the restoration of primitive faith in Scotland. Erskine and he naturally came together, and their intercourse promised a cheerful and effective union. Whitfield arrived in Edinburgh in July 1741, and, declining all pressing invitations to occupy metropolitan pulpits, he sped to Erskine's humble meeting-house in Dunfermline, and gave forth

one of the stirring harangues which bore even such high-wrought spirits as the Secession leader's habitual listeners up to a new elevation of spiritual excitement. But Whitfield did not know the men he had to deal with. It was proposed, that a conference should take place on the points of difference between Presbytery and Episcopacy, and the English clergyman found this to mean, that the only condition on which he could be admitted into alliance with the Associate Synod, was by abjuring his ordination as an Episcopal clergyman, and condemning, not only Episcopacy, but all forms of church government differing from the true form now set before him. The English dissenter, if such he could be called, still respecting the great nursery in which he had been reared, and differing humbly, and with diffidence, from its authorised leaders, had little anticipation of the domineering pride which has been so often the characteristic of that dissent which professes to retain the standards deserted by the Establishment. Such abject conformity was not to be assented to by Whitfield, nor would the Seceders compromise one iota of principle to meet him. Thus they parted, and the Methodist leader consummated his offence by an alliance with the Establishment.

In a southern parish called Cambuslang, there had arisen one of those strange and melancholy exhibitions called religious revivals, with which, fortunately, Scotland has been but rarely and but casually visited. The "Cambuslang Wark," heretofore presided over by Mr M'Culloch, the minister of the parish, exhibited the usual phenomena of such orgies—the profuse fits of weeping and trembling, the endemic epilepsies and faintings, the contortions and howls, with terrible symptoms of contrition emitted by old obdurate sinners, awakened with a sudden lightning flash to all the horrors of their condition. But another and more potent spirit was invoked

when Whitfield joined the reverend local leader, and his cluster of zealous country divines. The spiritual tempest was worked up to its wildest climax, when, in an encampment of tents on the hill side, Whitfield, at the head of a band of clergy, held, day after day, a festival, which might be called awful, but scarcely solemn, among a multitude, calculated by contemporary writers to amount to 30,000 people.

These exhibitions, which occurred in the year 1742, were little pleasing to the more moderate part of the Establishment, but by the Seceders they were positively denounced as the work of the devil, and a fast was appointed as a solemn penitence for these sins of the land. It need hardly be said, that this unexpected movement was attributed more to envy than sincerity or wise moderation.* It gave birth to an irritating controversy, in which opprobrious names were discharged, and base motives imputed on either side, with pretty equal vehemence and success.

In the meantime, a deeper voice rose high above this disputative clamour, and the Seceders were startled by finding a body of fierce and loud denouncers arising by their side in our old friends the Cameronians. They were supremely indignant on discovering that Whitfield and his friends in the Establishment were excelling them in fervour, unction, and every other of their boasted qualities, except their intolerance; and so the persecuted remnant, as they still called themselves because they were unable to persecute the rest of the world, issued one of their vehement, interminable testimonies, against Whitfield and the "Cambuslang wark."†

* Mr M'Kerrow—whose "History of the Secession," with a strong sympathetic leaning, is a very fair and impartial book—condemns the conduct of his friends on this occasion.

† "The Declaration, Protestation, and Testimony of the Suffering Remnant of the anti-Popish, anti-Lutheran, anti-Prelatic, anti-Whitfieldian, anti-

The external history of the Seceders affords nothing worthy of note within the period embraced by this work, save the characteristic political fact, that both their clergy and laity were conspicuously loyal in the insurrection, exhibiting, what these pages have now had frequently to record, the extreme Presbyterians ever in the breach when the Revolution Settlement comes into actual danger. In the tenor of their subsequent history, there are characteristics common to successful secessions. When the cluster of gifted enthusiasts who founded the system passed away, their popularity, and the adherence it brought around the cause, attracted towards it inferior men, with a lower tone of mind and humbler abilities, who despised learning and all earthly lights, and devoted themselves rather to keep their numerous plebeian following down to a dead level, than to elevate them in the social scale. Their church was peculiarly that of the humbler classes, into whom it was charged with infusing a stiff pragmatical conceit of righteousness, which, if it was offensive to the other classes, ought to have had this merit in their eyes, that it gave the

Erastian, anti-Sectarian, true Presbyterian Church of Christ in Scotland, published against Mr George Whitfield and his encouragers, and against the work at Cambuslang and other places." The protesters denounce "the present lukewarm, Laodicean ministers and professors of this Erastian church, whose ways are such as may astonish the heavens, and make them horribly afraid and very desolate, because they have forsaken the Lord, the fountain of living water, his true covenanted cause, truth, and ways, and have hewn out to themselves broken cisterns, which can hold no water, in walking after the imaginations of their own hearts, and gadding about to change their ways, by going in the way of Egypt and Assyria to drink the waters of Sihor and the river, even the poisonable puddles of Prelacy and Sectarianism." Whitfield is called "an abjured prelatic hireling, of as lax toleration principles as any that ever set up for the advancing of the kingdom of Satan;" and his followers are "as far forsaken of God, and as far ensnared by Satan, as the children of Israel were when, in an unsanctified fit of madness, they were dancing about the golden calf, to the dishonour of God and their own sin and shame among their enemies." They find that the whole affair "looks like the time wherein the devil is come down to Scotland, having great power, because he knoweth that he hath but a short time."

poor that contented feeling of superiority and self-satisfaction in their spiritual condition, which prevented them from being politically dangerous. The gentry, with whom no kind of Presbyterianism was ever prevalent, had far less connection with the Secession than with its earlier forms. They looked on this church with a hostile eye, and, under exaggerated notions thus formed, the Seceder minister was generally deemed the focus of all that was obdurately bigoted and barbarous,—the supporter of superstitious provincialisms and obsolete vulgarities, the opponent of science, machinery, inoculation, improved tastes, and rational enjoyments. Suspicion doubtless tended to sour its objects, and, in their avowed principles of conduct, they sometimes gave too much foundation for such exaggerated charges.*

However much the extent of this social depression is open to dispute, the more pleasing view, that there came afterwards a great re-action and elevation, is beyond doubt. It was seen that the Secession Church, whether soundly based or not, was a powerful engine for affecting the minds of the people, either for good or evil. The influence which the inferior class of pastors possessed, taught men of higher tastes and aspirations, that here lay a human vineyard, to be tilled to much beneficent effect; and often, at heavy social sacrifices, and with many pangs of revolted taste, they fell so warmly and cordially to the work, that few churches can boast

* In 1761, a solemn caution was issued by the Anti-Burgher Synod to their students, "against an affected pedantry of style, and pronunciation, and politeness of expression, in delivering the truths of the Gospel, as being a using the enticing words of man's wisdom, and inconsistent with that gravity that the weight of the matter of the Gospel requires, and as proceeding from an affectation to accommodate the Gospel, in point of style, which, if not prevented, may at length issue in attempts to accommodate it also, in point of matter, to the corrupted taste of a carnal generation." In 1786, the rival Synod expressed its concern at a "growing fondness for false refinement and abstract reasoning in handling the truths of the Gospel," and recommended "an evangelical train of thinking and a scriptural simplicity of language."

of a greater proportion of eminent men than the United Presbyterian—the name under which the bulk of the scattered elements of those dissenting from the Establishment in the eighteenth century, became united together in the nineteenth.

They had to work, not only against the influence of strong prejudices from without, but of obstinate irreconcileable divisions within. In the year 1747, while the public mind was still occupied with the history of the Insurrection and its consequences, the Associate Synod had accomplished a severance into two bodies, having to each other an irreconcileable enmity, called Burghers and Antiburghers. Their conflict arose out of an oath appointed as a criterion of burghership in the towns of Edinburgh, Glasgow, and Perth.* It was simply a protestation that the jurist professes and allows with all his heart, "the true religion presently professed within this realm, and authorised by the laws thereof." The question at issue was, Can Seceders take this oath? The more moderate party said, Certainly,—the Seceders alone can take it—they alone profess the true religion. The zealots, who were for driving the question into a corner, said this was a paltry equivocation. It was notorious that members of the corrupt Establishment took the oath, and an oath which admitted *them* was not a fit oath, supposing any form of oath to be justifiable. In 1747, the dispute had speedily waxed so effective, that the new church was split into two synods. As usual, the extreme and exclusive party took up the position of maintaining the old standards and treating their opponents as schismatics, so that Erskine and his brethren, the revered

* They at the same time took into consideration "the Mason Oath," condemning the taking an oath to keep a secret before it is known what the secret is; but they easily got over this. "The sessions or ministers dealt with the masons they were concerned in, few of whom were obstinate in defending the oath in all respects, and so refrained from having an hand in any farther approbation thereof."—*Brown's MS.*, p. 409.

patriarchs of the Secession, found themselves denounced as contumacious schismatics, assailed by the junior brethren whom they had admitted into their fold, with censures, suspensions, and excommunications.

After long separation, these bodies which had been pursuing their course in different lines, reunited their forces. But, in the meantime, according to a common ecclesiastical habit, each body counted itself *the* Synod, and denied the existence of the other, save as a mob of impenitent schismatics. As if the confusion thus created by two bodies, each acting as "the Associate Synod," were not sufficient, another division made them quadruple, each being split in two by a new controversy called "the Old and the New Light."

The occasion of this division is one of the most interesting and instructive in ecclesiastical history. Almost from the commencement, the Secession had endeavoured to reconcile their strict adoption of the Covenants with civil obedience to the existing laws. From the quotations made from their great testimony, it will naturally be believed, that in this they were not very successful even with themselves. But conflict is generally the shape in which ecclesiastical opinions are brought out with the greatest strength and clearness, and the Secession had an early opportunity of uttering decided views upon allegiance, in severing from their communion one of its members, the Rev. Mr Nairn, who advocated the domineering principles of the early Covenanters, about subjecting rulers to the discipline of the church, and abjuring the authority of the unrighteous. He was found guilty of error and schism, and declared a subverter of souls. On this occasion, the majority of the brethren declared their views on the civil government, recommending obedience to the constitution, and describing the advantages to the country from the Revolution, in the present enjoyment of security, along with

such civil and religious liberty as no other nation in the world possessed.

Still, however, their present standard was the domineering Covenant, expressive of temporal as well as spiritual subjugation. A new race, however, counting among them many eminent men, evidently felt the painful position of adhering, in days of advancing toleration, to standards embodying in their sternest form the religious domination of the seventeenth century. In their reflections on this matter, they conceived the bold design of disconnecting themselves from the whole machinery of intolerance, by applying their standards to spiritual matters solely, and denying the right of the church to be connected, whether by giving or taking, with the state. Thus, the Covenant might denounce Episcopacy and Independency as it willed—it could speak daggers, but use none. Their doctrine took the sword out of the persecutor's hands, and left him only spiritual weapons. The cleansing of a church from all the vile old armoury of intolerance was never more beautifully and simply accomplished than by the promulgators of that "new light" which is now the prevalent principle among the followers of the Secession. It is to the singular effectiveness of this late admission of the principle of toleration that we owe in Scotland the existence of that large party who adopt what they term "the voluntary principle," involving the entire disconnection of the church from the state.

A smaller secession from the church accompanied that which was led by Erskine; and its history is curious, in connection with the later development of the greater body, as it announced at the beginning opinions which have a very strong outward resemblance to the principles of toleration of the United Presbyterians. The founder of this body was John Glass. He was a man of peculiar and remarkable abilities, but they had not that conformity with the tone and tendency of the popular mind

which is necessary in the founder of a great sect, or the leader of a large religious body. His conduct, with that of many other men of his day, is indicative of the existence of discontented and unsatisfied feelings in the Establishment; but he had not the destiny to lead forth the malcontents. While the Seceders, who afterwards led their followers towards toleration, began by the adoption and fervid support of the Covenant, Glass at once roused angry defiance in every quarter, by denouncing that great national testimony as intolerant, tyrannical, and unchristian. One who commenced his exhortations in this spirit, could not acquire many auditors, whatever conclusions he might finally lead them to. He entered on many subtle matters of doctrine, which, unsuited for consideration here, will be found amply discussed in a multitude of contemporary pamphlets. But in his opinions, so far as they related to the tendency of the Covenant, the principles of toleration were announced with remarkable clearness and decision.* He had a long battle in the church courts; and, after having been deposed by his local judicatory, the General Assembly of 1739 restored him to his position as a minister of the Gospel; but, as the holder of peculiar opinions, disqualified him from holding any function in the Established Church. The leniency of this chastisement of error, became, at the time, one of the great causes of denuncia-

* This is shown with sufficient distinctness in the initial portions of his examination by the synod of Angus and Mearns, published by that body for the purpose of justifying their condemnation of his tenets.

"*Q.* 1. Is it your opinion that the Christian magistrate has no more power concerning church matters than a private believer, or not?—*A.* If the church be of this world, or if it be national and established by the laws of the kingdoms of this world, with civil sanctions, and if it have jurisdiction over the magistrate's subjects in their civil rights; then the magistrate's power must be in and about the matters of such a church; but in the kingdom of heaven, or in the church of Christ, which is not of this world, the magistrate's power, whether he be Christian or not, has no place.

"*Q.* 2. Is it your opinion, that earthly power, or the power of the magistrate,

tion by the Secession and the Covenanting party in the church. The small sect founded by him—called Glassites, and sometimes Sandemanians, after the name of an eminent member of their body—exists to this day.

During the course of these Presbyterian discussions, the Episcopal church, within its narrowed limits, had a history as eventful, and as productive of contest and passion, as it had ever known in its day of power and splendour. The same act of 1719, which removed the logical contradiction offensive to the Established clergy in the qualifying oaths, provided more effectual tests for the detection of the unqualified performers of liturgical service. That criterion of publicly officiating, which rendered qualifying necessary, was defined as the presence of nine persons, besides the family in whose house the service might be administered. The penalty for failure to pray for the King, and for officiating without qualifying, was six months' imprisonment; and the meeting-house where the transgression occurred, required to be closed for six months.* The few loyalists who adhered to the Episcopalian system, had separate meeting-houses of their own, where qualified clergymen officiated. These ministers generally had their orders from England, and were denounced as irreclaimable schismatics by the Scottish nonjuring Episcopal church, which, both in its collective capacity and the individual exertions of its members, was entirely devoted to the cause of the exiled house.

ought not at all to be employed for advancing the kingdom of Christ, or not? —*A.* The kingdom of Christ, which is not of this world, cannot be advanced by earthly power, or the power of the magistrate, any otherwise than as all things are working together for the advancement of it.

"*Q.* 3. Is it your opinion, that it is unlawful to enact laws, with penalties, in favours of religion, or to defend the true religion by arms, or not?—*A.* The Lord Jesus Christ hath not annexed civil sanctions to his laws; and the true religion cannot be defended by arms, as may the natural and civil rights and liberties of mankind; it must be defended another way—Eph. vi. 10-13; 2 Cor. x. 4."

* 5 George III. c. 23.

It was both difficult and perilous for such a body to preserve the dignities and formalities of a hierarchy. As the bishops, who were men advanced in life at the Revolution, died away one by one, there was a melancholy feeling among the votaries of apostolical descent, that the succession, dwindling by degrees away, would cease in the committal to the grave of the last of the obscurely-living old men who had worn the Scottish mitre. Alexander Rose, the bishop of Edinburgh, a man of quietness and sense, who seems to have tried to stem the zeal of his brethren and followers, was the last survivor. On his death in 1720, forty-eight clergymen of his diocese assembled to consider what line of conduct should be followed, and, as some said, to arrange the election of a bishop. At their meeting, three brethren came forward, named Falconar, Miller, and Irvine, who revealed themselves as consecrated bishops, stating that they had been canonically elevated to that rank, for the purpose of preserving the succession of bishops; but that they professed not to have any diocese assigned them, or to possess any local jurisdiction.

Their pretensions were, in the end admitted, but were by no means cordially received. On the remnants of the established hierarchy, the untitled clergy looked with respect; but it became extremely difficult to reconcile them in any shape to the elevation of members of their own obscure body over the others. There certainly never was a time in the history of the greatness of Episcopacy when its honours were more eagerly sought and contested,—yet the dignitaries could enjoy their rank only in secret and restrained homage. They were often ill provided with food and raiment; and we find the annalist Lockhart discussing the practicability of securing a hundred a-year, to enable one of them to live and officiate in Edinburgh. As they professed a belief in the divine right of their exiled king, as the counterpart of their own

apostolic succession, it may be held that, deeming a restoration as certain as cause and effect, their struggles were for the possession of the great rich sees, of which the bishops of the Church of Scotland would then certainly be the masters; but a more charitable, and perhaps more accurate judgment, would attribute the sensitiveness, rivalry, and caballing, which we are doomed to find among them, to the ecclesiastical zeal which has so often been seen to burn brightest and hottest where it has been least encumbered with the absorbing presence of the temporalities of a church.

Conspicuous among the laymen who went deep into their ecclesiastical disputes, was the restless annalist, Lockhart; and with the other Jacobite gentlemen who aided him, he can hardly have failed to make the clergy feel his influence, since he wielded the opinions, and in some measure the intentions, of those from whom they obtained their scanty bread. It was his design to make the bishops a spiritual committee to act for the exiled house, along with the temporal committee which he had created with the title of the King's Trustees. To accomplish this, the bishops were not to have dioceses assigned to them, but were to act in a College, with deliberative power—an arrangement which its opponents compared to a Calvinistic presbytery. It was essential to the plan that the College should be entirely subject to the royal prerogative, as the Scottish bishops had been during the reigns of the later Stewarts; and that in matters which could not wait for royal sanction from distant Italy, the Trustees should interpose.

But there arose an element of disturbance in this arrangement, exceedingly provoking to the politicians. Dr James Gadderer claimed, through vicarious authority, sanctioned by his presbyters, the power and privileges of Bishop of Aberdeen—a diocese well worthy of special selection and appropriation, as it contained many powerful

Episcopalian landed gentlemen, and a considerable remnant of that church among the people, and thus afforded maintenance and authority of a higher kind than the southern sees. Gadderer, who was consecrated in London, represented not so much the nonjurors of Scotland as those of England. The ecclesiastical nonjurors of the two countries were totally different in character. Those of Scotland represented the hierarchy which had abetted and acknowledged the monarch's absolute authority over all persons, ecclesiastical and lay, when King James was at the utmost stretch of his arbitrary authority. The English nonjurors represented the seven bishops committed to the Tower for refusal to comply with a requisition which would not have drawn a murmur from the obsequious Scottish hierarchy. The nonjurancy of the Scottish Episcopalians was solely a preference of allegiance to the exiled house; while that of the English came nearer to the spirit of the Presbyterian nonjurors in the assertion of the church's spiritual independence.

It is not inconsistent with their resistance of the popish King, to find that they were given to resuscitate the usages and opinions which, as drawn from the earlier history of the church, are apt to be counted Romish. If they went along with their Roman Catholic brethren in these things, it was not under the same leadership, and neither subjected them to the ecclesiastical head of the Romanists in Italy, nor, in spiritual matters, to the despotic King who had adopted Romanism in England.

Saturated with the opinions of this body, and naturally of a restless and by no means yielding temper, Bishop Gadderer speedily created a deadly war in the little cluster of impoverished prelates. He set up two standards —the one of spiritual independence, with self-action in the church for filling the episcopal sees by election—the other, of certain usages obtained from the primitive fathers, but alien and offensive to many Episcopalian wor-

shippers in Scotland, as they were to those of England generally.

It appears to have been through the influence of Gadderer and his followers that the Scottish bishops, discarding the English liturgy, adopted that which had been sent to Scotland by Laud, in 1637, and was demolished by Jenny Geddes. Not content with its tendencies to what its supporters called the principles of the primitive church, and its opponents denounced as Popery, they made some slight alterations tending farther in the same direction; and the employment, among the Scottish Episcopalians, of the liturgy thus concocted, transmitted an object of bitter controversy to the present century.*

This matter was so silently transacted as to leave faint traces of its history; but Gadderer brought with him a series of primitive "usages," which went far beyond the principles and habits of his brethren, and were received by them with hostility.† Lockhart and the other politicians, who would not have troubled themselves about usages, found their dearest interests involved in the ques-

* See "The Authority and Use of the Scottish Communion Office Vindicated." By the Rev. P. Cheyne, incumbent of St John's Chapel, Aberdeen; and "Historical Sketch of Episcopacy in Scotland." By the Rev. D. T. K. Drummond.

† The principal usages are thus described from authority:—"1. Mixing water with the wine. 2. Commemorating the faithful departed at the altar. 3. Consecrating the elements by an express invocation; and 4. Using the oblatory prayer before distribution."—*Skinner's Ecclesiastical History*, ii., p. 623. An anonymous writer on the college side of the question, gives this curious account of the ulterior views of the Usagers:—"There were certain persons in our neighbouring nation, who endeavoured to revive, some time before this, some ancient usages or customs which obtained in the primitive church,—such as mixing water with the wine in the holy eucharist, prayers for the dead, and chrism in baptism and confirmation. And to such a length they went, that they must strike out the decalogue out of the liturgy for the fourth commandment, which was Jewish, and in place of it, use that summary of the moral law delivered by our Lord—'Thou shalt love the Lord thy God with all thy heart, with all thy soul, with all thy mind, and with all thy strength, and thy neighbour as thyself.'"—*Some short Memoirs of the Affairs of the Episcopal Church of Scotland, since the death of Queen Anne.* —MS. Advocates' Library, 13, 2, 11—formerly in possession of Lord Hailes.

tion, because it became the main element in a deadly quarrel between the two parties. The College issued a gentle remonstrance and injunction against the usages. It was addressed "unto the Episcopal Church of Scotland," whence it was derisively demanded from the other side, if there was any other church not Episcopal, and if they intended to acknowledge the Presbyterian conventicles as a church?* Gadderer, with his friends and allies, among whom were the clergy of his diocese, declared the college of bishops an uncanonical body, with no distinct synodical authority, in Erastian dependence on the civil power of the crown, and existing for no other purpose than as political tools. The college retaliated by denying Gadderer's episcopal authority, as he was only the vicar of one who had been elected by the presbyters of a diocese, and whatever episcopal rank he might have derived from another church, he held none in his own, since he was neither authorised by the bishops nor by the king. The dispute, though only occasional outbreaks are found in the pages of Lockhart and contemporary pamphlets, appears to have been extremely bitter, and epithets of "pope" and "cardinal" were exchanged, along with charges of heresy in many forms. "Both the contending parties," says Lockhart, "pretended they were in the right, and did desire to promote unity and peace, provided their opponents would knock under."† Gadderer was cited to appear before "the college," but treated the command with due contempt. They heard that he was making arrangements for consecrating new bishops on his own system of clerical independence; and as his friends in London had even indulged in proposals for a union with the eastern church, it was difficult to say how far he might undermine and outrage the loyal principles of the Scottish hierarchy.

* Stephen's History of the Church of Scotland, iv., p. 187.

† Lockhart Papers, ii. p. 112.

The College, directed by Lockhart and his politicians, appealed to their King. They were afraid, in their helpless condition, to send a bishop to attack and displace Gadderer in his northern stronghold, among an attached body of diocesan clergy and powerful lay supporters; but they desired royal authority for the consecration of additional bishops from the younger and more adventurous of the clergy, to undertake this task. The attention their appeal received, might have shown them how little countenance, as a Protestant clergy, they were likely to receive from the idol of their obedience, should he be restored. He evidently could not descend from the elevations of his own papal bigotry, to look at the nature of the dispute. He coldly complimented them on their dutiful devotedness to his cause—warned them that dissensions would be detrimental both to their own body, and to his interests—recommended them to be prudent and peaceful—and reminded them of the many assurances they had received from him of favour and protection.*

There was much farther correspondence with the exiled court, in which the College of Bishops showed their submissive duty; and, without any murmur or hesitation, put themselves entirely in the hands of their royal master, consenting that no one should be raised to their rank, and that no member of their body should have diocesan power, without the royal authority. The power was virtually exercised by the busy Lockhart and the few friends whom he had incorporated as the King's Trustees. They were the medium of communication with their master, and in emergencies acted in anticipation of his intentions. These movements, contemporary with the interference of the crown to terminate the active existence of the English convocation at the very

* See the Letter, Lockhart Papers, ii., p. 113.

climax of the stirring Bangorian controversy, made the other party more jealous of their independence. The politicians were, however, resolute and persevering. They had, in a great measure, the very existence of the clergy in their hands, by bringing to their aid the landed gentry throughout the country; and at last they prevailed on the pertinacious Gadderer to meet his brother bishops in a general synod, avowedly held for mutual agreement and terms of peace. Some of the Trustees were present, to see that the business took a satisfactory shape; and they boasted that at last they had forced the proud priest to submit.* He submitted, with extreme reluctance, to an arrangement, called, after high ecclesiastical precedent, a *Concordate.* The amount of his concessions, on condition of being acknowledged Bishop of Aberdeen, was, that he would consent, in communicating with his brethren, to receive the unmixed cup at their hands; would not, "in his ministrations in any congregation, mix publicly;" and would use his endeavours to get his clergy to follow the same course. These stipulations referred to the mixing of water with the wine. As to the other usages, he agreed, since he was permitted to employ the Scottish liturgy in preference to the English, to abandon them, unless they obtained the sanction of his brethren.

But the concordate only carried the war into the College itself. Immediately after it came the selection of a bishop to preside over the churches of Angus and Mearns. The majority of clergy selected a Usager, Mr Rattray; but Lockhart, and the greater part of the Col-

* "I cannot express the disorder there was at this meeting, for there was little reasoning on the matter, most of the discourses being invectives and unmannerly reflections against Gadderer, who being, on the other hand, as obstinate as a mule, nothing to purpose would have attended this conference had not the noblemen above mentioned interposed, and by their solid reason and authority adjusted matters in the manner I have briefly related."—*Lockhart Papers*, ii., p. 124.

lege of Bishops, were for another named Norrie, who was in a minority. Without directly bringing the prerogative represented by Lockhart to overturn the selection by the clergy, the bishops managed to strike many of them off the roll, and turn the majority in favour of Norrie, whose election was confirmed by their college, and received the royal sanction. Soon after this, however, Miller, one of the College bishops, disappointed in some objects of his own, though not a Usagist, revolted against the exercise of the prerogative, and joined the opposition of Gadderer, who had previously one of the bishops always on his side. They now formed a community of three—a sufficient number for canonical action. While the college party consecrated bishops from time to time, the opposition consecrated bishops also, each trying to prevent the other from outnumbering it, until, when there came to be six on either side, and each saw that the other would keep up with it, the race of consecrations ceased by mutual consent. They carried on a war of pamphlets and protests, accompanied by attempts to unseat each other from their dignities, and Lockhart talked of the meetings which they held in the vain hope of bringing each other to reason as "hurly burlies." The independent party, however, into which that of the Usagers had merged, were gradually rising above the college party, whose resources were affected, and their ardour damped, by two causes of discouragement—the departure of Lockhart to seek safety on the Continent, and the vigilance of the government in detecting correspondence with the court of Albano, which had rendered his departure necessary. There was a difference in the social rank of the parties which must of itself have led to the fall of the college party when deprived of adventitious aid. It was necessary, from the extreme poverty of the church, to find for bishops those whose fortune and connection gave them independent means of support, or to seek them among people who

made their bread otherwise, or accepted of the dignity with the scantiest support. The college party were supplied, in a great measure, by men in such subordinate positions, and one of their bishops was a tradesman in a secondary town. On the other hand, the diocesans counted a near relative of the Duke of Argyle; while Bishop Keith, who acquired celebrity as an annalist, belonged to the Earl Marischal's family, and Rattray was a worshipful Perthshire laird.

As the college party died out, no successors were appointed. In 1731, a new Concordate was adopted, more comprehensive than its predecessor. There was a practical difficulty in the adjustment of dioceses, since poverty and other impediments often prevented the bishop from living in his metropolis, and an arrangement was made for a temporary partition of the country into districts of superintendence. In this Concordate, there was a condition, that the parties to it were not to "disturb the peace of the church by introducing into the public worship any of the ancient usages concerning which there has been lately a difference among us." There was a brilliant instance of casuistry either in the preparation or the interpretation of this clause, for while the primitive party found that it prevented them from bringing in new usages, they held that it did not exclude them from following those which had been already adopted.*

Bishop Gadderer died at Aberdeen in 1733. The great feud about the usages virtually departed with him. His system had achieved the preponderance; but, supported by successors less vehement and restless, it was modified so as to avoid instead of courting conflict. On the death of Ochterlony, the last of the six college bishops, in

* "They excused themselves upon this remarkable knack, that they shall not introduce any of the ancient usages into the public worship of God, for that they are already introduced."—*Letter from Bishop Freebairn*, cited in *Stephen's History of the Church of Scotland*, iv., p. 264.

1742, the latest vestige of the great feud was gone; but, in the meantime, a fresh crop of disputes of a personal and local kind had arisen. They were not the less acrid, that they arose out of questions which have neither sufficient distinctness nor importance to be resuscitated, even if their true history could be specifically ascertained. If they had any general tendency, it was in jealousy by the inferior clergy of the power and authority of the bishops, who, assembling in synod in 1743, adopted a code of sixteen canons, a measure denounced by the Edinburgh portion of the clergy as beyond the authority of the bishops without representative concurrence from the other orders of the church.*

In the interval between the Rebellions, the Episcopalian nonjurors were not hard pressed by the government, though the key to all the ciphers used in correspondence with the exiled house was in the hands of the executive, and few of the letters emphatically describing their animosities escaped perusal on the way. It was the policy of Walpole's government to lie in wait for an enemy rather than to seek him out. The Establishment, after they had themselves got clear of difficulties from the abjuration oath on the ascendancy of the Argyle

* A general idea of the condition of the Episcopalian community in 1744 may be found from the following sentences in an admonitory letter by one of the bishops,—"When clergymen so far lose sense of that duty and obedience they owe to their superiors, that, admonished by their bishops, they disregard it; censured by them, they shake off their authority; when the people come to believe that after a clergyman is canonically deposed his ministrations may be as valid as before, and that with safety to their consciences they may adhere to him as their pastor, though in direct contradiction to the most primitive and truly catholic principles, then surely all discipline is dissolved, all government is subverted, and it may seem idle in circumstances of this sort to dispute what is, or what ought to be, the peculiar constitution of a national church, since it is evident—demonstrably evident—that when such opinions and such practices prevail, none can be of any signification."—*Letter by Bishop Keith—Lawson's History of the Episcopal Church*, p. 283. There are several documents on this subject in a "Collection of Papers on Disputes of the Episcopal Clergy," MS. Adv. Lib. 29, pp. 3, 7.

family, memorialised the government to prosecute disqualified Episcopal clergymen; but Lord Ilay answered, that the Episcopal church was so busily employed in self-destruction that it would be a pity to interfere with it.

In the Rebellion of 1745, the Scottish Episcopal church came forth again so flagrantly in support of the deposed house of Stewart, that severe restraints could no longer be avoided. It is only to be regretted that the government did not endeavour to exact political loyalty, without interfering with ecclesiastical arrangements, deemed essential to the true exercise of religious faith, and hence among the things which conscience could not yield up to power. New acts of Parliament were passed for rendering the prohibitions against the public ministration of unqualified clergymen more rigid and effective. It was only carrying out the legitimate purposes of the act to reduce the number whose presence created publicity, from eleven to five. But a comprehensive clause required that the letters of orders admitting clergymen to be qualified by taking the oaths, must be from bishops of the Church of England and Ireland only. The object of this provision was avowedly to extinguish the Scottish Episcopal Church. Perhaps it offered the Episcopalians of Scotland a better hierarchy; but these are not gifts which people who have deeply-founded religious opinions readily accept. It was a portion of their religious belief that their own church was the true church of their own country, and since they could not earn for it peace and prosperity, they must be content to follow it in humility and suffering. For several years they were subjected to an oppression, which, if not sanguinary or cruel, was closely coercive. At length, with many other Jacobites, they sought and found relief in the death of Prince Charles, and the retirement of his brother, by pretending to believe that George III. was the next representative of the house of Stewart.

While the correspondence with the Jacobite court has afforded an ample record of the condition and conduct of the Episcopal church which adopted the course of legitimacy, the usual voices of history are silent about that church with which the Stewart dynasty was more closely allied by unwavering and fanatical devotion. In the south of Scotland, the strict laws against every symptom of popish worship, were known to be in hands prepared so rigidly to enforce them, that only on very rare occasions did the adherents of Romanism venture to provoke them. But it is among the peculiarities of that church, to accommodate its votaries accurately to the conditions by which they are surrounded. Its vitality is thus preserved without external indications; and in ages of oppression it lies dormant, to revive and horrify its neighbours when an opportunity such as that furnished by the Rebellion arises.* In the times when all seemed most secure from this dreaded enemy, Wodrow and his friends might sometimes be found bursting into such terrified alarm as the dweller in the tropics may experience in the suspicion that a deadly serpent lurks within the bed on which his children sleep.

Along with such mysterious alarms in the south, there was the certainty that many popish priests lived and performed their functions in the remote Western Highlands, and among the northern lairds. In some places they

* In the industrious work called "Collections towards illustrating the Biography of the Scotch, English, and Irish Members of the Society of Jesus," by the Rev. Dr Oliver, St Nicholas Priory, Exeter, there are many notices of Jesuit missionaries who appear to have served in Scotland in the early part of the eighteenth century. It is observable, however, that Oliver can seldom trace any particulars of their history, when so occupied, on account of the profound secrecy of their motions. He says,—"At the suppression of the Society in 1773, there were but seven Jesuit missionaries in Scotland; but for a long time previous to that event, members of the order had served Kirconnel, Terregles, and Munshes, in the south; and Braemar, Glen Gairn, Glen Tanar, Buchan, and Strathglass, in the north. The superior and his socius resided at Edinburgh, and another father at Aberdeen." —p. 21.

were protected by the inaccessible remoteness of the territory—in others by the feudal power of the local aristocracy. If we may believe the local historian of Moray, there was an inaccessible college of priests, living like a band of robbers, in the wilds of Glenlivat. The powerful house of Gordon was known to afford a ready shelter to the hunted priesthood; and righteous indignation was raised to uncontrollable exuberance by accounts of seminary mass-mongers, when near the shelter of such powerful roofs, coming forth into the face of day, and scandalising zealous men by barefaced evidence of their existence. But when it was whispered that the Duchess of Gordon, audacious in the impunity of her northern fortalice, had mass celebrated in her lodgings in the Canongate, the bailie of that suburb, with a force from the city-guard, broke into the dwelling on a Sunday, and apprehended a priest clothed in his canonical vestments.*

To balance, in some measure, these causes of disquietude, the Establishment had to rejoice from time to time in the progress of reformation in several districts of the west. The Society in Scotland for Propagating Christian Knowledge, co-operating with the church, and laying a foundation in education, carried the religion of the Church of Scotland into many communities which previously were rather heathen than Romish, and raised up a class of people who became signally devoted to Presbyterianism in its most rigid shape. It was only, however, when the chiefs or the gentry were favourable to their cause, that they could accomplish their mission. The Romish clergy had a free field in the domains of those potentates devoted to their church; and thus it happened that the territory inhabited by the western Celts was portioned off, like a checkboard, into districts

* Arnot's Criminal Trials, p. 378.

where the two extremes of antagonism in the Christian church alternately predominated. In both, however, the people were distinguished from the Lowlanders by a more thorough passive obedience to clerical authority. They stood thus in utter contrast with their Cameronian neighbours, and differed with the rest of the Presbyterian body, who were ever jealous of entire clerical rule, however ready to co-operate with it. Thus, in the Romish districts, the priest, dividing the dominion with the chief, was absolute in the spiritual department; and in the Protestant districts the minister or missionary might have the like authority, unless he were superseded by the species of Protestant friars afterwards called "the Men," who met the craving of these Highlanders for spiritual leadership with a bolder and more authoritative control than the opinions and habits of an educated Protestant clergyman permitted him to assert.

CHAPTER XXI.

Inquiry into the Causes of the Rebellion—The Condition of the Highlanders the most prominent—Their total isolation and generic distinction from the rest of the country—How it was increased, rather than decreased, by the progress of civilisation—Their Language—Their division into Soldier and Subject classes—Their abhorrence of industrial pursuits—Inquiry into their Costume, and its Claims to Antiquity—Modern Innovations on it—Projects for embodying the Highlanders as troops—Dangers in them—The Independent Companies—The Black Watch and their Adventures—Dangers from the Suppression of Depredations—Tendency to drive the Highlanders desperate—General Poverty of Scotland—Small Progress in Trade, Agriculture, and Manufactures—Attempts at Encouragement—Effects of the Poverty of the Aristocracy—Dangerously united with Power—Legal Power of the Hereditary Jurisdictions—Means of Tyranny—Its Influence in the Highlands and in the Lowlands—The practice of Kidnapping and Enslaving—Discontents with England throughout the country—Nature of the National Jacobite sympathies.

BRITAIN has seldom rested in more self-confiding strength and serene repose, than at that moment when a civil war burst forth, and startled many of her most confiding citizens into the belief that the Hanover settlement was doomed, and a second restoration marching to completion. But, as in other unanticipated explosions, whether in the gaudy streets of Paris or the grim solitudes of Knoydart, the elements were all ready, which the spark, designed or accidental, should ignite; and, however lamentably they may have been hidden from contemporary observation, they require attention from those of a later age, who take from the event a lesson of philosophy speaking through experience.

In the preceding narrative, many of these causes must have been developed to the reader in the bare statement of the historical incidents following the Union. It is

now the author's purpose, keeping the general character of these events in view, to sketch briefly those social and historical conditions of the country which had the chief influence on the unexpected and unfortunate outbreak. As the insurrection was peculiarly a Scottish incident, and arose out of conditions which socially distinguished the Scottish from the English people, such a preliminary sketch may serve as an indication of those conspicuous characteristics in which the two nations continued, after their union, to differ from each other.

The most prominent among all the elements of difference, was naturally the state of the Highland territories, which furnished that army—strange, uncouth, and utterly foreign, as if it had come out of Central Asia—which marched into the cultivated plains and through the growing cities of England, and then marched back as mysteriously as it had gone thither. The strangeness of this people—their gaudy, un-British, and almost un-European costume—their traditional military tactics, as different from those of ordinary troops as the discipline of the janissaries—the preponderance of dark, oriental complexion—their foreign tongue—must have all told of an alienation in race, customs, and common feeling, which lay deep at the root of the outbreak, and should have taught the country not to feel safe with so many natural enemies within the cincture of its ocean boundary.

If there was a time when, in their common barbarism, there might have been a similar generic character in the Highlander and the Lowlander, it was long past. The Scots in the south and east had dragged on a weary and difficult civilisation after England for centuries; but they had ever been gaining distinct ground, though they might still be some distance behind the rapid march of their great neighbours.

But though a few clergymen and schoolmasters had gained influence among the Highlanders, and taught a few

of them things which they did not know before, they remained in the mass virtually unchanged through centuries of Lowland progress. Arms might be taken out of their hands; they might be checked in their plundering descents; but there was no internal growth of civilisation and improvement, no progress in literature and art, no rising manufactures or towns, no cultivation, literally no effort to catch the fish which swarmed in their narrow seas. Their economic creed was to despise labour as slavish, and traffic as base. They held the only function by which a man could live in honour, to be the plunder of the servile dwellers on the plain. They were Ishmaelites as much as ever they had been—their hand against every man, and every man's hand against them; and every day that the low country advanced in civilisation and wealth made the estrangement the wider, though the greater self-protecting power of the Lowlands prevented it from being so much felt.

Here lay the most imminent source of danger. A foray might sometimes clear the stack-yard of a farmer on the braes of the Grampians, who, knowing himself to be living on a hostile border territory, would lay his account with such attacks, and keep a guard of trusty kinsmen, or compound for his safety by a tribute of black mail. But the days were past when a predatory army could sweep the Lennox or Strathmore, and leave a desert behind. In its security, the country was indifferent or ignorant. Like the French aristocracy in the days of the Notables, because they were safe in Paris, sacred from insult, even from vulgar intrusion—because the perfumed powder was not liable to be dusted from their hair in rough crowds, and they did not even require to fatigue and offend their senses by contemplating the hideous mass of plebeian misery in the Faubourg St Antoine—they were totally unconscious of their danger.

Occasionally, upon some matter of cattle-dealing, or

to purchase timber, or to settle about the repairing or rebuilding of the chief's fortalice, a Lowland man of business would penetrate the Highland line, and thankfully return with all speed to his fireside, to tell the gaping circle of the horrible places he had been in, and the danger he had escaped. Sometimes, but very rarely, an adventurous Waverley was seduced by the love of variety and field sports to trust himself within the country of a Fergus MacIvor Vigh Ian Vhor. The engineers of General Wade's road, and the garrisons of the small forts, spent a weary, dejected time, ever looked back upon with horror, in that land of desolation; but otherwise the districts now dotted with handsome villas, covered with the stock of south country sheep farmers, or inundated by swarms of pleasure-seeking tourists, were sacred to the armed Celt, who would have gazed with ominous surprise on any intruders whose garb and aspect bespoke the land of law and industry.*

* Whether or not it be that our sense of the beautiful in nature is improved, with other things, by the progress of civilisation, it is certain that there was, during the greater part of the last century, no idea that Highland scenery had anything in it to be admired. The distant purple outlines—the deep clefts in the mountains, with their savage ruggedness so often softened and adorned by masses of tender foliage, shifting into every variety of form and colour that affords richness and beauty—the abundant streams, tossing themselves among their broken rocks—the broad smiling straths, where the chief rivers wend their way through amphitheatres of mountains,—were all there as they now are; while the majestic pine forests, of which but a few vestiges now remain, existed in a form that, to the lover of nature of the present day, would have doubled the glories of the Highlands before the '45. But the feeling with which the English of that period viewed Highland scenery, is perhaps characteristically expressed in this brief notice by an officer quartered at Fort-Augustus after the battle of Culloden,—"The climate here was so excessively bad, that we had a winter from the beginning of July, and continued so all our stay,—continually raining, and cold winds blowing, which occasioned great numbers to fall sick daily, as well in their minds as in their bodies; for it is a rarity to see the sun, but constantly black skies and rusty-looking rocky mountains, attended with misty rains and cutting winds, with violent streams of water rolling down from every part of the mountains after hard rains, and so filling the rivers surprisingly soon."—*Journey through England and Scotland along with the Army under the Command of H.R.H. the Duke of Cumberland*," p. 95.

This severance existed less from enmity than from uncongeniality and even contrast in national character, and incongruity in the main objects of life.* In earlier days, the hate of the Lowland Scot for the Highland Celt was as relentless and cruel as the antipathy of the settled communities of Europe to the wandering tribes which kept them in perpetual apprehension, and occasionally overwhelmed them with a deluge of barbarism, has ever been. They were excluded, like wild beasts, from all law and all mercy. But as the danger, or more justly speaking the fear, of such inroads had decayed, the hatred had decayed quite as rapidly. Its departure opened the way for a slightly interested curiosity, not unmixed with pity, for the benighted race living in barbarism so close on the borders of what was held to be civilisation. People spoke occasionally of projects to civilise the Highlanders; and the Scottish church made vigorous, and, as we have seen, to some extent effective, efforts to Christianise them. So at the outbreak of the Rebellion, while the severance between the two races inhabiting Scotland was as distinct as ever—almost more distinct, from Lowland progress in civilisation—much of the hostile bitterness had passed away on both sides. The mountaineers were looked upon as kindly Scots,

* Perhaps, of the complete alienation between the Teutonic Lowland and the Celtic Highland race, the most signal evidence is found in the language of Lowland Scotland. Like the English language, it has enriched the parent Saxon with spoils from the Latin and the French—in some measure even from the Greek—but it has taken nothing from the Celtic, though at its own door. Where the dialect of some Scottish districts differs from the literary language of the British empire, the divergence will be found to have come from Denmark, Holland, High Germany, or France—perhaps to be a better kept remnant of Anglo-Saxon; it is never Celtic. A few words, of course, expressive of things existing in the Highlands, are used by the Lowlander when he speaks of them,—as gilly, claymore, pibroch, and the like. But these are no more incorporated into the language than such words as candelabrum or gladius. The language of the Lowland people has not taken even a tinge from that of the Highlanders living under the same government with themselves ever since it was a government.

who were, in some respects, the main sufferers from common hardships. On grounds, which may be gathered from the preceding narrative, but at the same time demand a more distinct announcement and application, many of the Lowland gentry co-operated with the Highland outbreak. A spirit of friendship and sympathy was thus formed—the races which had so cordially hated each other, were united into something like a common nationality, and the way was prepared for that cordiality completed by the novels of Sir Walter Scott, which has idealised the Celtic mountaineer as the last relic of Scottish nationality; and makes London print publishers explain to artists that no work of art can pass for a true representation of Scottish life, unless it contain one figure at least in a dress representing the uniform of the 42d regiment.

Utterly distinct as were the character and social habits of this curious race from those of their Lowland brethren, yet it is impossible to derive a genuine idea of what they originally were, because our knowledge of their state must pass through the medium of Saxon habits, and even nomenclature. If their peculiar nature refused to adapt itself to Teutonic laws and customs, yet the free development of their peculiarities of race was ever apt to be checked and contorted by the immediate pressure of the laws and habits of a people who, by degrees, became so much more powerful than themselves, as to deny any sanction to their separate social constitution and indigenous customs or laws. Hence their patriarchal system comes to us in the dress of feudality,—just as Tacitus makes the Scottish chief Galgacus talk like a Roman hero of the republic, and as the troubadours sing of Arthur and his companions as a chapter of the knights of some great order of the fifteenth century.

Thus the relation of leader and follower was forced to adapt itself in heterogeneous conjunction with the rules

of that fedual system of mixed Norman and Saxon origin, which was totally alien to the indigenous institution of clanship. We have seen that while the feudal system made the heir of the soil the commander of the people living on it, the patriarchal system of clanship made the head of the clan the ruler over the soil. Though antagonistic to the feudal laws of the Lowlands, and thus ever disregarded and counteracted by those who administered justice, yet the spirit of their patriarchal system lived on, and influenced their social hierarchy. The difference between a Highland and Lowland landowner was the difference between a ruler and a proprietor; and thus, as their spheres were distinct, a different moral rule was applied to them. The chief, burdened with functions and responsibilities peculiar to his position, was tried by a moral code unknown to the rest of the country, yet such as may have existed among the rival Italian houses in the conflicts of the Colonna and Orsini, or among the robber aristocracy of the Rhine. Hence it was not what murders, oppressions, treasons, stratagems, and spoils, he had committed; but how he had kept up the policy of his family, and the influence of his clan or name, that constituted the historical estimate of the character of the chief.

In a multitude of shapes, the nature of events, of contemporary remarks on them, and of the general state of society in the Highlands, will be mistaken, if the radical distinction between the chief of a tribe, and the owner of soil with vassals on it, be overlooked. The tone in which a Highland chief's suitability to his position is spoken of, would be ludicrous if it were applied to a country gentleman. The one has fulfilled his functions well if he has planted, brought in waste, and cleared off debt. But the character of the chief was examined as to the nature of his policy, his influence over his clan, and the position he acquired for it among other clans. It would be

sharply and censoriously noticed that some one had degenerated from the proud or profound policy of his predecessors, and allowed the glory of the name to wane before the world; and though the days when he could be deposed might be past, yet the spirit that stamped him with the stigma remained. On the other hand, he who had increased his influence, and aggrandised his name, was not subjected to any severe scrutiny as to the means he adopted. He had accomplished the first duty of life, to which all others were secondary; and if he had committed what in private persons were deemed gross crimes, the thing was to be perhaps regretted; but it was counted a necessary policy, considering the position of the clan. Thus, such a man as Lovat was treated but as one who had adopted a crooked and dangerous policy, which exacted great cleverness and courage in its pursuit; and when he was sent to his last account, laden with an almost unexampled heap of crimes, it was observed by those brought up in the departing system of clanship, that he must have had an extremely difficult game before him, and there would doubtless be a variety of opinions on the manner in which he had played it.

The genealogies of the heads of clans have generally a fabulous commencement; but it has often been remarked that, whenever they can be authentically traced by documents, they lead to adventurers of Teutonic origin, either through Anglo-Norman knights, or the primitive Scandinavian pirates, of whom these were the refined and chivalrous collaterals. It has hence sometimes been said that the Highlanders furnish their morsel of evidence to the historical canon, that the Teutonic race was made to rule, and the Celtic to obey. Such a law would require more evidence than we yet possess to establish it as truth. Not history alone, however, but present observation, teach us to see two distinct races in the Highlands. The one is slender, agile, and dark—the other broad, brawny,

and red-haired.* If the one be the genuine Celt, and the other the descendant of the Teutonic Northmen, who thought the western coast sufficiently worthy of plunder to frequent it in large hordes, yet certainly, so far as the mysterious influence of language assimilates races, they have been made one people; and it would be difficult to draw any more clear distinction in their habits and manners than, perhaps, this general characteristic, that where we find the oriental duskiness predominate in the physical aspect of the population, indolence and poverty predominate with it.

We must not, however, judge of the untamed Highlander by his subdued descendant. Putting aside the exaggeration of city romancers, it is natural in itself, and there is abundant historical evidence to show, that the Highland combatant of old was nearly as much superior to the client of Relief Committees in the present day, as the decorated Indian chief to the wretch who skulks through the American city in a tattered blanket. The eminence, however, was evidently only in a class; the humblest grade cannot be more depressed than they were in the days of Highland pomp and heroism. It has created perplexity to find some contemporary memorials of the Highlander speaking of his great strength and warlike skill, while others refer to his sordid, scantily-fed, and listless servile existence, on the perpetual borders of starvation. Both accounts are substantially correct, but they refer to different classes. The gentlemen of the clan, like the Indian "braves," were carefully nurtured in all that was necessary to make them effective warriors. They were athletes, and cultivated the games which convey strength and activity to the frame; but they never sullied

* The difference yet reminds one of the description by Tacitus, of the "*Silurum colorati vultus et torti plerumque crines*," and the "*rutilæ Caledoniam habitantium comæ, magni artus*," which "*Germanicam originem adseverant*."

their hands or bent their backs to any toil that was not connected with war. The women and inferior persons ministered to these dignitaries of the clan, whose martial step and haughty bearing, in all their gaudy tartans, was like that of the contemporary janissaries among the rayahs, or the mamelukes among the fellahs. It was among these favourites, who enjoyed whatever luxuries the clan possessed, and were ever ministered to, that men of marvellous strength and agility were produced, who gave their countrymen a wide renown in the annals of physical triumph. So completely was their position towards the humble commons of the clan that of a superior caste, that ethnologists have carried out the theory of races to this distinction, and have maintained that all the Highland gentry were of a Gothic race, commanding respect, while the humbler people were of the Celtic race, whose fate, like that of the pariah and the negro, it was to serve and suffer.

Whatever light farther inquiries may throw upon this great disputed question of the influence of race, it must be viewed in connection with another—the effect of long enmity between different families of the human race, and the subjugation of the weaker by the stronger. It would even appear that in very early times, when they conducted their depredations more systematically and extensively, the humbler followers were better off than we find them from the Revolution downwards. Since that epoch, like the natives of Australia, they seem to have always lived so close on the verge of starvation, that any deficiency in the usual crop immediately produced an almost corresponding decrease in the numbers existing to be fed by it. Their state before the Rebellion presents an exact parallel to their position at the present day, save that they now grow potatoes, which they did not then—and they then possessed arms, which they have not now; and this farther distinction may be added,

that the charity of their neighbours does not permit their lives to fall a sacrifice to the results of their constitutional ignorance and improvidence.

In the humble class, all the necessary labour was accomplished. It was as little as it possibly could be, for labour and trade were looked upon by the whole race with a dislike that amounted to loathing. They could allow no wealth or vastness of transactions to extinguish this degradation. Such attributes rather increased it, since they showed that the revolting occupation was not forced on the perpetrator as on their own helots, but was voluntarily adopted by him for the basest of motives. In their nomenclature, a merchant was a pedlar, a silversmith or jeweller a tinker, while the profession of a tailor exacted from good breeding an apology for the necessity of alluding to it. On the other hand, the labours that provided for war were dignified. The gunsmith or armourer, was a very great man—sometimes the head of a dynasty; so was the piper, who took his license from a college of his own peculiar kind of music.

This traditional detestation of every occupation contributing to enlarge the happiness or wealth of mankind, served to baffle every attempt that was made to raise the condition of the Highlanders to the level of the rest of the community. Projects to induce them to catch the fish swarming in their sea lochs, have been over and over again renewed, to be ever hopelessly baffled. So early as the time of James VI., a company of Lowlanders were encouraged to "plant," as it was termed, the Lewis. To encourage them in furthering husbandry and Lowland civilisation there, they were privileged to hold the island for a term of years without payment of rent. But long before their privilege had expired, the unhappy colonists, harassed in every form in which industry is susceptible to the machinations of idleness, retired from the impracticable spot, glad to escape with life. More

than a century later, an English trader, believing that the Highlands, from the unapplied natural productions, the lowness of wages, and various other features, which would have been of unquestionable value could he have found them in Yorkshire, would afford a valuable opening for an enterprising speculator, resolved to take advantage of so obvious an opportunity, and created a company to carry out his project. His chief design was to establish iron-smelting works in the centre of the vast forests which then clothed the mountains of the Glengarry country. He established himself at Invergarry on Loch Oich, from the western extremity of which a short canal afforded him communication with the sea. Besides conducting his iron works, he set about the general improvement of the district in agriculture and domestic economy; but it was a vain attempt. His grain was trodden down, his fences destroyed, his barn and his dwelling-house were burned, just as they might have been in Ireland at a later time; and to complete the parallel, he felt himself in personal danger, and narrowly escaped from at least one attempt on his life. The place he had selected was well chosen for his projects, if forcible aid could have carried them through, as it was on the new military road between Fort-William and Fort-Augustus; but he found it necessary to abandon the attempt, and rid the country of the hated presence of the intruder.*

That the Highlanders, though they had scarcely enjoyed the use of arms in any gregarious conflict for thirty years, should have retained the perfect command of them, and should have fearlessly counted like trained soldiers on the result of a battle, shows, how entirely their hearts lay in war and their education was that of the soldier. A new generation must have been silently trained in arms

* See Burt's Letters, i., p. 264.

after the disarming act, and around the garrisons supposed to be keeping the district in peaceful awe. Here, as in other features, they showed a propensity utterly unlike that of the Lowland or English peasant, who, however brave he be, and however formidable he can be made, keeps up no innate spirit of warfare; but after a few years of peace, is found to have turned his sword into a pruning hook, and to require complete re-drilling. In later times, and with the more effective measures taken to break his spirit, the Highlander's indolence became that of the hopeless burden of the earth; but during the thirty years intervening between the two Rebellions, it was that of the haughty soldier who is prepared for the coming, though long delayed strife, and scorns to defile his hands with sordid labour.

In the notice of those peculiarities which severed the Highlanders from their nearest neighbours, it would be unpardonable to omit their peculiar costume. Here, unfortunately, we stumble on the rankest corner of what may be termed the classic soil of fabrication and fable. The assertions are abundant unto affluence; the facts few and meagre. The only secure footing whence inquiry may start is the unquestionable fact, that from the middle of the seventeenth to the middle of the eighteenth century, the inhabitants wore a garb, peculiar both in colour and form, which was so entirely national to them that all ranks wore it, with peculiarities to adjust it to their grades in life.

There is, perhaps, too much aptness to believe in the extreme antiquity of the practices of semi-civilised tribes. They adopt as readily as their neighbours alterations adapted to their natures, though they should come, as improvements of course naturally do, from the civilised portion of mankind. They may not readily adopt steam-engines, or plans of prison discipline, or sanitary regulations; but they will seldom reject deadly weapons and finery, or hesitate at once to discard old customs for the

adoption of such improvements. Hence, in such matters, we must be prepared to find uncivilised tribes influenced by the facilities of their position, and especially by the character of the industrial productions which they are most likely to obtain. And thus, whether or not the Irish saffron shirt be attributable to the national fabrication of linen, there is much reason to believe that the costume of the Highlands was the creature of the woollen manufacture of Scotland.

It is impossible to believe in the great antiquity of the garb as worn in later times. All attempts to find traces of it among those Irish from whom the most Celtic of the Highlanders drew their origin, have been defeated. If there had been so systematic an adoption of the loose tartan raiment, with its nice distinction of clan patterns, in the fifteenth and sixteenth centuries, as we find in the eighteenth, it is impossible to suppose that anything so remarkable, and at the same time so well adjusted and regulated, should have escaped the notice of the annalists, who are ever partial to descriptions of the barbarous people living among the mountains. It is needless to say, that if such passages had been in existence, they would have been long ago discovered and eagerly published.

Indeed, the earlier accounts point to a different kind of dress, consisting chiefly of skins, with linen instead of woollen, and sometimes the saffron-dyed shirt, like that attributed to the Irish. They frequently mention bright contrasted colours as a passion of the people, but certainly indicate no specific form assumed by it, or heraldic character in the adjustment of patterns.*

* The most remarkable passages bearing on this subject in the older writers, will be found collected together by Mr William Skene, in "Collectanea de Rebus Hibernicis," published by the Iona Club, pp. 25–52. This collection has the merit—very rare, in connection with its subject—that its accuracy and genuineness can be relied on.

It is probable that the checkered plaid, shawl, or blanket came into use in the Highlands almost as soon as woollen cloth became a staple manufacture of Scotland. A large blanket, as the sole covering by day and night, is among the first resources of an uncivilised race, when a textile fabric supersedes the skin of wild beasts. Throughout Scotland, the woollen manufacture obtained an early celebrity, and was fostered with great jealousy. The country was especially famous for the production of large plaids and loose mantles. The women wore becomingly over their heads shawls or screens, sometimes of one bright colour, such as red or green, and occasionally wrought in a check-pattern like the modern tartan, but without any reference to clanship in the disposal of the colours. In all parts of Scotland—as, indeed, throughout many parts of Europe—the large heavy plaid or "maud" was used as a convenient loose mantle, peculiarly acceptable to the dwellers among storm and mist. The Lowlander's plaid was generally of plain light and dark squares; the Highlander, indulging the natural taste of a lower civilisation, delighted in more gaudy colours. Different districts seem to have maintained each its prevailing pattern, in so far that it might be known by the general hue of his garment whether a man came from Argyleshire or Badenoch; but it is impossible to believe that the rigid division into clan-checks now attributed to the tartan could have existed and remained unnoticed.*

* The earliest notice of different patterns in different districts, appears to be that of Martin, in his Account of the Western Isles, written at the commencement of last century:—"The plad, wore only by the men, is made of fine wool, the thread as fine as can be made of that kind. It consists of divers colours, and there is a great deal of ingenuity required in sorting the colours, so as to be agreeable to the nicest fancy. For this reason the women are at great pains, first to give an exact pattern of the plade upon a piece of wood, having the number of every thread of the stripe on it. The length of it is commonly seven double ells. The one end hangs by the middle over the left arm, the other, going round the body, hangs by the end over the left arm also. The right hand above it is to be at liberty to do

In the absence of all distinct knowledge on the subject, it may possibly lead to a solution of the difficulty, to remember that events in the seventeenth century made a material difference in the costume of clans important. In the wars of Montrose and Dundee, when they were brought together in clusters of separate companies or battalions, the same convenience which suggested regimental facings and badges, would suggest a difference in the pattern of the tartan. If the clan distinctions began gradually to arise, which perhaps they did at an earlier age, it is possible that the great convenience of such distinctions, and the opportunities which the several groups possessed of comparing each other's patterns of tartan in these great warlike gatherings, may have led to the stringent classifications of later times.

It is, perhaps, to the same class of events that we owe the expansion of the many-coloured blanket of the mountain savage, until it became the richly decorated garb of the Highland chief, and finally swelled in grandeur and estimation, until it was deemed worthy of clothing the person of a prince. Neither in the representations nor the descriptions of the great Highland leaders of early times, do we find any trace of the modern Highland dress. At the time when there are indications of its use by the common people in its ruder form, it seems to have been no less out of the question as a dress for the

anything upon occasion. Every isle differs from each other in their fancy of making plaids, as to the stripes in breadths and colours. This humour is as different through the mainland of the Highlands, in so far that they who have seen those places are able, at the first view of a man's plaid, to guess the place of his residence."—p. 207.

In the pamphlet called "The Conduct of the Well Affected in the North," a clan in one pattern of tartan is spoken of as if it were by no means a necessary rule in 1715. Of Brigadier Grant, it is said that "his men were orderly paid at the rate of sixpence a day, well armed and clothed, ordinarily in one livery of tartan, and furnished with all other necessaries to defend them from the rigour of the season." In Lady Grange's account of her capture, she says the ruffians were in Lovat's "livery," which has been interpreted as his tartan.

great man, than the concrete of glutinous rags now forming the national costume of the Irish peasant, would be as the dress of his landlord.

It may be safely pronounced, that no genuine picture of a chief or gentleman dressed in tartan, is produceable of so early a date as the reign of Charles I. The Highland gentry of whom we possess representations—even the old marauder, Sir Ewan Cameron of Lochiel—are all attired in the fashionable costume of the period.*

In the many effigies on the tombstones of Iona, and in other burial-places of the heads of Highland houses, from the fourteenth century downwards, it seems to have been the great glory of the survivors to represent the departed hero in the costume of a Norman or English knight. At whatever time it may have come into use as an undress worn by the chief in hunting, or when at ease in his Highland home, it certainly did not become, until a late period, a dress in which a man of rank could appear in public.†

* For instance, in the "Black-Book of Breadalbane," which contains a series of coloured full-length portraits of the chiefs of that house, painted early in the seventeenth century, there is not a trace of tartan.

† Perhaps the earliest extant account of persons of rank wearing the Highland costume, is in the lively description by Taylor, the water poet, of a hunting party in the wilds of Braemar, in which he participated, in the year 1618. The passage is remarkable from the costume being as entirely a peculiarity of the tinchel, or great hunting gathering, as the skull-cap, red coat, and cords, are of the hunting-field at the present day; and it is evident from the tone of Taylor's narrative, that he at least believed that the Highland potentates whom he saw around him, wore the dress on such occasions and on no other:—

"There did I find (giving a long list of names) all and every man in general in one habit, as if Lycurgus had been there and made laws of equality. For once in the year, which is in the whole month of August, and sometimes part of September, many of the nobility and gentry of the kingdom, for their pleasure, do come into these Highland countries to hunt, where they do conform themselves to the habits of the Highland men, who, for the most part, speak nothing but Irish—and in former time were those people which were called the *Red shanks*. Their habit is shoes, with but one sole a' piece; stockings, which they call short hose, made of a warm stuff of divers colours, which they call tarfane. As for breeches, many of them nor their

It would seem, however, that when the wearers of the many-coloured blankets were employed in extensive warfare, it was necessary to impart, as far as it was practicable, some constructive uniformity to their costume, as well as to make its variations in colour the distinguishing marks of the several clans or battalions. When the dress was once established as a military costume, analogy with the system of a national uniform required that the commanders should wear it as well as the men; for it would have been incongruous that the officers should be dressed in civil raiment, or in a military uniform more nearly resembling that of the enemy than of their own troops.*

forefathers never wore any, but a jerkin of the same stuff that their hose is of; their garters being bands or wreaths of hay or straw, with a plaid about their shoulders, which is a mantle of divers colours, much finer and lighter stuff than their hose, with blue flat caps on their heads, a handkerchief knit with two knots about their neck; and thus are they attired. Now, their weapons are long bows and forked arrows, swords, and targets, harquebusses, muskets, durks, and Loquhaber axes. With these arms I found many of them armed for the hunting. As for their attire, any man of what degree soever that comes amongst them must not disdain to wear it; for if they do, then they will disdain to hunt, or willingly to bring in their dogs; but if men be kind unto them and be in their habits, then they are conquered with kindness, and the sport will be plentiful. This was the reason why I found so many noblemen and gentlemen in those shapes. My good Lord Mar having put me in that shape," etc.—*Taylor's Works. Transactions of The Iona Club*, p. 40.

In the covenanting war of 1639, it is specially recorded, that Lord Louis Gordon escaped from his family to the mountains, and "in Highland habit," led some of the Gordons following. His "Highland habit" was deemed so remarkable, that it is separately mentioned in two accounts of the affair.—*See James Gordon's History of Scots Affairs*, ii., p. 260, *and Robert Gordon's Britane's Distemper*, p. 20.

* The present uniform of the officers of the British, and of some other European, armies, has had a history not unlike this. The colour of the uniform of soldiers had its origin in that distinguishing garb of family retainers, which has its representative at present in servants' liveries. In the army, the royal livery—the red—superseded, in general, that of private families. There are still some features marking the common origin of garbs so differently applied; and at this day the epaulette which marks the command of the field-officer, comes from the same origin as the shoulder-knot, which indicates the servitude of his footman.

If this be but conjecture, it has, at all events, the merit of professing no higher claim to credit, and of occupying much more modest limits than many other statements equally conjectural, which have been boldly proclaimed as facts.

The humbler people continued to wear the primitive blanket or belted plaid; and perhaps, after the partial suppression of depredation, it was reduced to a more sordid garment than it had been on the persons of their ancestors, who, if they had benefited nothing, had suffered nothing, from advancing Lowland civilisation. A chief or gentleman-follower in his full dress, had now, however, become a very imposing and picturesque object, which could even elicit a compliment from the saturnine Burt.* While the pariah in the tattered blanket elicited compassion, a portion of sympathy was bestowed on the sufferings of his superior, from the enormous mass of his clothing, and his heavy arms. Everything about him was bulky and flowing, save the simple bonnet on the head; and he exhibited as great a contrast as the form of clothing can afford to the modern soldier of a Highland regiment, with whom everything is scant, flat, and angular, save the vast, uneasy plume of ostrich feathers waving from his head.

The first step in its reduction to this unpicturesque

* Probably the most accurate representations of Highland costume are to be found in the coarse engravings attached to the old edition of Burt's Letters. A few specimens are to be found in the plates of Slezer's Theatrum—the most accurate apparently are in his representation of Dunkeld Cathedral; some of the others have a tendency to idealism. It is needless to say, that no reliance can be placed on modern pictures of Highland costume, got up for the London market. In the early history of the Journey through Scotland, commonly called Defoe's, there is the following description of the frequenters of a Highland fair at Crieff:—"The Highland gentlemen were mighty civil—dressed in their slashed short westcoats—a trowsing (which is breeches and stockings of one piece of striped stuff), with a plaid for a cloak, and a blue bonnet. They have a ponyard knife and fork in one sheath hanging at one side of their belt, their pistol at the other, and their snuff-mill before, with a great broadsword by their side. Their attendance

guise, was a decomposition of the earlier unity of the costume. Its original element, as we have seen, was the primitive plaid or loose mantle—a piece of cloth sometimes extending to dimensions which would astonish an army contractor of the present day. The humble commons had often little, sometimes nothing else, as their covering by day and night. The chiefs and gentlemen among them generally wore a jacket or jerkin, and sometimes trews or hose pantaloons; yet their plaids seem to have been of no less dimensions. Though the man who had no other clothing, wore the plaid with more close economic adjustment over the upper part of his body, than he to whom it was a decoration, all were alike in the manner of adjustment to the limbs. A certain part of the large mass of cloth was wrapped round the thighs, heavily adjusted in plaits, and was secured to its position by a belt, after the manner in which the Israelite girded up his loins. This operation must have been at all times tedious and complicated; and to the Highland warrior, who had a leaven of foppery in him, it seems to have been almost as serious a matter as the war painting of the American Indian. This cumbrous arrangement subsequently received, to distinguish it from the modern innovation, the name of the belted plaid. This innovation occurred between the two Rebellions, and the source of it, on partly traditional grounds, is

were very numerous, all in belted plaids, girt like women's petticoats down to the knee—their thighs and half of the leg all bare. They had also each their broadsword and ponyard, and spake all Irish—an unintelligible language to the English."—*Journey through Scotland*—by the Author of the *Journey through England* (1723), p. 194. This may be contrasted with the description of John Major—a pretty accurate observer of local customs—whose short but curious history was written very early in the 16th century. He states that from the middle of the thigh to the foot they have no covering, having a mantle (chlamys) for an upper garment, and a shirt dyed with crocus or saffron. In war, they cover the whole body with a lorica of iron rings or chain mail. He describes the more ordinary Highlanders as rushing into battle in a garment of linen manifoldly sewed (in panno lineo multipliciter intersuto) and daubed with pitch, and a deer-skin covering.—p. 34.

said to be this:—An army tailor, attached to Wade's troops, struck with the inconvenience of this costume, set his professional genius to ruminate on a remedy, and achieved the happy idea of severing the part wound round the loins from the rest of the plaid, and forming it into a permanent tunic, while the other part became a shawl or plaid adjustable at pleasure. Whether it was, according to general repute, the idea of an English tailor or not, the reform, having the simplicity of true genius, was so decided and unquestionable, that it took general root, and thus became the last step in the construction of a costume which, in its more complex shape, has every appearance of being entirely modern.

Still it must be admitted that the state of our knowledge on this curious little subject is very unsatisfactory. This mainly proceeds from inquirers gazing far beyond its narrow bounds. If we are to know the true history of the costume worn by the men of the "Forty-five," it will not be by speculations on the *Sagnum*, or the *Gallica Palla*—by conjectures about Magnus Barefoot—or something in Tighernach, the Albanic Duan, or Ossian's Poems; but by a rigid and fair examination of whatever sources supply information on the clothes worn by the Highlanders during the past two centuries.

The well-known boast of Chatham, has led to the supposition that he was the first to appreciate the valuable fund of military material lying useless or mischievous in the restrained warlike spirit of the clans. The idea of embodying them as soldiers, with as much as could be kept of their national customs and peculiar organisation, had been devised, and partially attempted, at a much earlier period. There were great practical difficulties and dangers to be overcome, as there frequently are in the way of desirable national improvements; and all was not to be solved by sending a sufficient strength of re-

cruiting parties beyond the Grampians. The spirit of Jacobitism, of course, presented the first palpable difficulty. The government might only be training and arming men to fight against itself. Those who really knew the Highlanders were aware that the followers were no more innate supporters of King James's claim to the throne of Britain, than of Maria Theresa's to the throne of Hungary. They went with the policy of the head of the clan, whatever that might be; and though upwards of half a century's advocacy of the exiled house had made Jacobitism appear a political creed in some clans, it was among the followers, high and low, little better than a nomenclature, which might be changed with circumstances. There was no reason to suppose that even the men-at-arms, or superior order of the clan, could have the least hesitation in serving King George, or would fail in that fidelity which has been the honourable peculiarity of their race, could this service be reconciled with their relation to their chiefs. But here was the difficulty. To have drafted so many of the clans, with their native hierarchy into the British army, would have been, in many instances, embodying a force for the use of the exiled house. Lord Lovat was clamorous for arms, and the heading of an independent company "for the King's service," meaning the service of his own King over the water. Many of the chiefs professing loyalty could not have been trusted in a position where temptations beyond their power of resistance might assail them.

The men could not be officered by low country gentlemen, without many difficulties and incongruities, in which the peculiar value of their original clan discipline would be sacrificed. Nor did the next suggestion seem more faultless, to give the responsible posts to gentlemen of the loyal clans, so that the followers of a Jacobite chief should be transferred to a Hanoverian colonel. It would be difficult to get men enlisted under such an arrange-

ment, because their chiefs and the leaders of the clan would oppose it, and they could only pass to the service of the natural enemy of their sept amid the curses of their own cherished circle as renegades and traitors. In short, the matter was beset with difficulties; but in the practical arrangements actually followed, the two views last mentioned were mingled together in their advantages and their defects. The regiments finally embodied were put under the command of Lowland gentlemen, or of persons who, though connected with the Highlands, were court noblemen, who had little practical concern with the district whence they took their territorial honours. The subordinate officers only were Highlanders, with a true local connection, and that was with the well-affected clans.

The legitimate use of such regiments, as Chatham perceived, was foreign service, where they might feel, from the beginning to the end of a campaign, that they were honourably fighting against an enemy, and might not be perplexed by the local friendships and feuds perpetually arising to influence their feelings in home service. But this was an arrangement of extremely difficult attainment. It was not an original thought of Chatham. It had been suggested, and partially adopted, at an earlier time. If we may believe an anecdote preserved by John Home, the author of "Douglas," it flashed suddenly, like an inspiration, on the mind of Duncan Forbes, and so excited him, that he sped to the country mansion of a brother judge, Lord Milton, and roused him at an untimely hour to communicate the discovery. The half-awakened senator, with surprise and some misgiving, heard his official superior begin abruptly to descant on the probability of a war with Spain, and on his plan for making that event the means of securing government influence over the Highlands. "Let four or five regiments," he said, "of Highlanders be raised.

Let the colonel of each be an Englishman, and the other officers Highlanders, carefully selected. Send them abroad to fight our battles, which they will do with heart and zeal. They will not only be the sworn allies of government themselves, but hostages for their relations at home, and it will be impossible to raise another rebellion in the Highlands." Such was the plan announced by the venerated Lord President.*

This occurred in the year 1738. There had then existed for several years—in an imperfect shape, indeed, so early as King William's reign—a few independent companies, manned from separate clans, commanded by the chiefs, and officered from the most important of the military aristocracy of each clan. Their main employment was the suppression of independent armed vagrancy by broken men, or Highlanders who owned no chief,—a class who had been enlarged by the casualties in which so many of the higher families had been involved from the Revolution downwards. The irregular operations of these marauders were often inconsistent with the more systematic policy of the chiefs, whose interest it generally was to tolerate none who did not own the legitimate patriarchal authority. Accordingly, these independent companies sometimes appeared to be very effective in keeping order in the Highlands; and that they favoured the projects of their own leaders, and kept a deep policy of their own behind these ostensible movements, was not easily seen by a country grateful for their immediate services. They were looked on more as a protective police than a military force. They were dressed in the Highland costume; and the dusky colour of their tartan, contrasted with the bright scarlet of the royal troops, brought them the name of the "Black Watch," continued in the regiment formed when they were broken up.

* Home's History of the Rebellion, chap. i.

That this institution was found to be extremely perilous we may believe, from the mere fact that Lord Lovat was one of the captains or colonels, and thus had the opportunity of training and embodying his men at the expense of the government. His furious outbursts of wrath, when the company was abolished, attest the importance which he attributed to its possession. About the time when Forbes made his suggestion for foreign service, the government were becoming conscious of the formidable snake they were warming. The question before them now was, how they could undo what had been done, without exciting alarm and creating immediate enemies. The companies were dissolved, but a regiment was embodied from their elements, then called the forty-third, but more lately celebrated as the forty-second. Into it were drafted such officers from the independent companies as could be trusted, and were inclined to serve under the new conditions incident to a change from the local force to the line.

It would almost seem that the remedy had come too late, and it may be questioned whether the dissolution aided or enfeebled the coming insurrection. Those who had been only doubtful before, were rendered bitterly hostile by the loss of their command and influence. It was part of the project to remove the new regiment out of the way of mischief, but this was accomplished in a manner unfortunately well calculated to rouse Highland jealousy and suspicion into fatal hatred.

It is not known whether it was the deliberate intention of the government to embody the regiment for the direct purpose of sending it into foreign service. It is certain, however, that the men who joined it were kept ignorant of the obligation incident to the soldier of the line to follow the British flag wherever it is carried. Their understanding evidently was, that they were to remain in their own country as the successors of the

independent local companies. Their assertion, that they would not have enlisted had they known the conditions of service, appealed to fundamental principles of Highland social feeling, which at once attested its sincerity. Though they agreed to enlist as common soldiers, they were of the warrior cast already referred to. They counted themselves as gentlemen, and each of them was generally attended by a gillie from the humbler commoners of the clan. They were poor gentlemen, it was admitted; but in their veins flowed the blood of a line of ancestry, to whose antiquity that of the proudest houses in England was but as yesterday. In their own country their claims would be admitted; elsewhere, they would be esteemed on a level with the wretched refuse of that land of pedlars, whose people, from the highest to the humblest, they despised.

The regiment was embodied in great pomp, on a field between Tay Bridge and Aberfeldie, in the month of May 1740. Their colonel was the Earl of Crauford, a Lowland nobleman, but a man of that high military renown which has ever overcome the prejudice of race, and elicited respect from the Highlander. The names of the other officers all indicate thoroughly Highland families, if we may except that of Ramsay, which, wherever its owner may have lived, does not belong to one of their septs.

The regiment had scarcely existed three years, when the suspicions of the men were roused by the receipt of a route for England. The dread that this was a step preliminary to their being sent abroad, was so far believed, that President Forbes—the only statesman of his day who studied the Highland character—thought it necessary to remonstrate against the step. It is said that the Highlanders were driven from their suspicions by the flattering intimation, that they were an object of curiosity to the King, who desired to see them

in review.* Such a motive for their march was well adapted to their Highland notions of etiquette, which would teach them that no labour or expense could be ill expended to gratify the curiosity of one who was higher than their own chiefs. They were reviewed on Finchely Common, but there was no king present, for George II. had just departed to Hanover to conduct the campaign signalised by the battle of Dettingen. Instead of enjoying the attention of royalty, they were subject to notice of a very different kind. Proud as Spanish hidalgoes, they found that the rabble of London treated them as common soldiers of a specially ludicrous character, and their haughty spirits were daily chafed by the sarcasm and practical jokes to which their costume was so very apt to expose them, at a time when it was little known in England, and associated rather with hostility than with heroic alliance in the great contests of the cou[illegible]. At length the irritation of their proud spirits, from scoffs of the Londoners working on their suspicions, roused them to a desperate remedy, and they secretly planned a flight.

One morning in the middle of May, all London was astonished by hearing that the greater part of the rank and file of the Celtic regiment, from which the citizens were deriving so much amusement, had mysteriously disappeared. So unprecedented an event drove all the military authorities into nervous activity. The metropolis was for two days amused with contradictory and grotesque rumours about the phenomenon, ere the fugitives were tracked beyond Northampton. They had adapted their peculiar tactics of silent, secret marching, and the endurance of hardship, even to the richly cultivated plains of central England, and had passed on, avoiding roads and populous places, from one waste land

* Browne's History of the Highlands, iv., p. 140.

to another, the objects of inconceivable astonishment to the few rustics who encountered them. At length this semi-ludicrous escapade must have its tragical conclusion. The inexorable laws of military discipline cannot leave bold and systematic mutiny without a bloody mark, however cruelly and treacherously the offenders may have been waylaid into their position. Posting themselves at Ladywood, near Oundle, they made answer to Captain Ball, who approached to remonstrate with them, that they would only surrender on a free pardon, and the retention of their arms. Such a treaty was out of the question; and the poor Highlanders, like the more formidable mutineers of the Nore, found that the established military system of the country was too strong to let them, all unofficered as they were, have even the chance of success which their small number would possess in ordinary circumstances. Gradually they were induced to surrender. Three only, two non-commissioned officers and a private, suffered death. Many of those most seriously implicated were sent to the West Indies. The rest were removed to the war in Flanders, where they took the first step in the long career of distinction which their corps has since followed. With other regiments serving abroad, they returned to Britain after the outbreak of the Rebellion; but it was justly deemed imprudent to send them to fight with their relations, and they were posted in Kent for the protection of the coast. Their singular history had, in the meantime, formed an addition to the causes of irritation which so rapidly strengthened the camp of the insurgents.

There were still other causes of uneasiness which had their special seat within the Highland line. There had always been a fundamental antagonism between the Highlander and the Lowlander in their views of the proper means of supporting existence. The one looked

to industry, with the enjoyment of its fruits; the other looked to the possession, by rapine, of that which the Lowlander had brought into existence. For some time, however, the law, in its growing strength, had been suppressing this source of subsistence, while those who had followed it were not acquiring any other. In addition to their other inducements to rise at any call to turbulence, hunger was gathering round them. The Lowland pastures, which had long been the main hunting field in which they found their food, were becoming every day more closely kept against them. Some of the gentry on the Highland border were themselves inimical to the system of cattle-lifting. They were indeed becoming occasionally victims to the marauders of the interior Highlands, who, when afraid to descend on the richer field below, would be constrained to remove the scanty supply of cattle belonging to their Highland neighbours. Graham of Glengyle, the nephew of Rob Roy, made an extensive contract for the protection of the lands near the MacGregor country; and appears, in consideration of the black-mail paid to him, to have pretty effectively performed some of the functions of a superintendent of rural police.

In the north, MacPherson of Cluny established a "watch" on more honourable principles, not speculating on the adventure, but merely requiring from the gentlemen of the district the contributions necessary to pay the expense of the undertaking.* When the cattle stealers were liable, as they had been after the Revolution, to be pursued into their fastnesses, they had established among themselves a system of interchange between the extremities of their wide region, which rendered it impossible to convict the depredators unless there were a hot pursuit. Thus, the produce of an effective raid on the

* A brief account of the Watch undertaken by Cluny MacPherson, 1744. —*Spalding Club*, ii., p. 85.

southern counties was exchanged in the far centre of the Highlands with the plunder taken from the north-eastern districts of Aberdeen or Moray.* But with the new system of a general watch along the border of the Highlands, which seems to have been more effectively accomplished by these contractors than by the independent companies, the whole system of supply was likely to be gradually diminished and finally extinguished. It appears from the report of Cluny's Watch, that it was telling on the marauders in the shape of starvation, and that in their desperation they had made attempts to remove their booty by sea, an operation in which it would prove easy to intercept them. These symptoms of the progress of civilisation, and the crushing embrace of the law, were alarming to many of the chiefs, as well as to their wild followers. Possibly the day when any one holding that rank participated in cattle-lifting was past; but they knew that the warlike followers, from whom they yet expected gallant and effective service, had no other means of living.

Although the desperate poverty likely to follow the suppression of marauding among a people who did not work, was a peculiarity not extending to the Lowlands, and was exceptional in its character, yet it naturally leads us to that generally backward state of Scotland, which made the people desponding, discontented, and

* As an instance of the complex charges which it was necessary to establish to bring those connected with such a system to justice, the terms of an indictment in the justiciary books of Inverary against "Donald Dow M'Gown, *alias* M'Clulich," may be taken. The indictment against him, dated in the year 1701, sets forth that he "did live in constant trade of theft, and reset of theft, as well stealing of goods within the shire of Argyle, as stealing and driving goods from thence to other shires, namely, to the shires of Perth and Inverness. In which latter shire, but more particularly in that part of it called Glen Moriston and Urchadell upon Lochness side, being his receptacle and frequent residence; keeping correspondence with other notorious thieves and robbers in that part as a place remote from Argyleshire, of advantages to his wicked practice of disposing upon stolen goods."

far more susceptible to factious inducements than their neighbours of England.

The Englishman who had to cross the border in the earlier part of last century expressed a shuddering sense of uneasiness and disgust, which, though accompanied with a good deal of exaggeration bred of national prejudice, represented his feelings with but too much sincerity. The general poverty, the bad fare, the tedious, laborious, and dangerous travelling, the filth of the inns and of the city streets, the impossibility of procuring through the ordinary channels of commerce requisites sold in every market town in England,—have been amply and feelingly recorded by many of those whom official duty or zealous curiosity led northwards. Their sensations, perhaps, have their closest parallel in those of the Englishman or Scotsman of the present day when he first sets foot in the south of Ireland.

When the traveller inquired into the causes of this poverty, and the listlessness with which poverty is ever accompanied, he was told that it was the result of the Union; that Scotland was a thriving, a happy, and contented nation in the old days when she was governed by her own people; but all this had departed, and the natural riches of the country were absorbed by her bloated consort. This was not true, but things do not always require to be true to be believed. Undoubtedly there had been a general progress onward; but, far from resembling the rapid movement of later times, it was so imperceptible that its existence might with sincerity be denied. Even some of the most loudly denounced grievances were symptomatic of progress in wealth, and among these may be found the consumption of tea, which drove Duncan Forbes, and many other zealous statesmen, frantic in the belief that, superseding the culture of grain for the manufacture of the national liquor, it would abolish the scanty agricultural enterprise which the country possessed.

Glasgow was the only place where there was the same kind of visible progress in the early half of the century, as the rest of the country developed in the latter half; and Glasgow being prosperous, was loyal. The Union revived the shipping trade, which had been paralysed by the Navigation Act; but it was not until 1716 that the first honest vessel in the West India trade crossed the Atlantic from the western capital.* In 1735, Glasgow possessed sixty-seven vessels, with a tonnage of 5,600. Of these forty-seven were foreign traders, the greater portion of them crossing the Atlantic. This, small as it may seem, constituted nearly half the shipping of Scotland, the aggregate tonnage of which is believed not to have exceeded 12,342, while that of England was estimated at 476,941.†

The country was doubtless preparing for its marvellous start forward, but nothing had yet appeared which outwardly balanced the decay of the gentry, and the loss of retail traffic. The magnificent system of scientific husbandry, which has been the just glory of the country, had not begun to be practically developed. Its era, indeed, was the middle of the century, and it may be said to have sprung from the ashes of the Rebellion. Before that event, it seems to have been inferior to the English agriculture of the seventeenth century, of which every well educated reader has made acquaintance in the pages of Macaulay. The amount of land brought into cultivation bore, indeed, a less proportion to the waste than England showed at the Revolution—but it must be remembered that in Scotland there is a larger proportion of irreclaimable wilderness. Though the chief agricultu-

* Brown's History of Glasgow, p. 330.

† Knox's British Empire, xxxvi. In 1851, the tonnage of Scotland was 536,266, while that of England was 2,803,052. The proportion of increase is its most marvellous feature. If the earlier numbers can be depended on, in 1735 the Scottish shipping slightly exceeded a fortieth of the English; in 1851 it had become nearly a fifth.

ral wealth of the farmer was in cattle, green crops and stall-feeding were unknown. There were no artificial grasses, and the rank herbage growing in moist places, and rejected by the cattle in summer, would be cut and dried to afford them sustenance when the ground was covered with snow. The hay meadow was a marsh where rank natural grasses grew, mixed with rushes and other aquatic plants; and the sour wet ground not only remained undrained, but was deemed peculiarly valuable from the abundance with which it yielded this coarse fodder.*

Throughout those districts which are now familiar to the traveller's eye as containing the cleanest and most systematic cultivation in the world—through Roxburgh, the Lothians, and the lower district of Lanarkshire——there was little to be seen but arid, stony, moor, and quaking bog. The deep clays of the Carse lands, where they were not buried under moss, were deemed inestimable, from the ease with which they could be brought under the plough. Elsewhere, the arable land ran in narrow slips; and one who had good means of knowledge, has said that nine-tenths of the corn produced in the country was raised within five miles of the coast.†

In the scanty soil, mixed with stones, which covered the igneous and metamorphic rocks, the crofter thought himself fortunate where he could plough a stripe here and there, leaving stony wastes between, like the moraines of a glacier. In the more genial and tractable soil of the south, two-thirds of the surface were wasted by the intervals between the ridges, which were hard unturned soil, strewed with the stones removed from the travelled earth between; and on that earth, thrown up on either side of the ridge, the meagre harvest grew. The system, when better methods prevailed over it, was called

* Sinclair's Report, ii., p. 3.

† "Considerations on the present State of Scotland"—attributed to President Forbes, p. 14.

"ribbing," or "rice baulking."* The scanty manure was conveyed to the field by manual labour; and the unpleasant scene has often been attested by English travellers, of the crofter's wife carrying the unseemly burden on her back. Three or four returns was deemed a good grain crop. Carts were little known; nor, had they existed, could the condition of the roads have permitted their extensive use; and the crop was carried to the market-town on pack-horses, or even by the crofter's family.†

Within the Highland line, the condition of agriculture was still more sordid. It has been shown beyond a doubt that the wretched people often bled their cattle to feed upon the coagulated blood, alone, or mixed with the remnant of their nearly exhausted grain. There was not a blade of wheat grown beyond the Lowlands; and none north of the Forth, save an occasional experimental field in the Carses, or the rich flat lands of Moray. The Highlanders ground their grain with the old-fashioned hand-quern; and, as in Scriptural times, two women might be found grinding at a mill. So imminently was the growing grain often anticipated by the wants of the people, that the ears were plucked like fruit when they ripened, and often they were scorched when green, and submitted to the quern to be squeezed into an unwholesome pulp. Iron tools were there almost

* Sinclair's General Report, i. p. 350.

† "A century ago, where the land was reclaimed, it was generally cultivated upon the system termed outfield and infield, and some of it even on what is termed common field and alternate field, the latter extending even to proprietorship. The properties were often separated by 'marches' of stones, or, still more commonly, by stripes of grass. The little manure that was made upon the farm was always applied to the infield land, the outfield land was cropped till the produce did not greatly exceed the quantity sown, and was then allowed to lie waste till it became sufficiently recruited to undergo the same course of cropping. Upon the infield land there were little or no artificial grasses sown, nor any attention paid to a system of alternation. Peas and beans were generally cultivated broadcast, and the cereal crops were grown as long as the land yielded almost any return. Even up to the

unknown. The plough was a bit of wood that scratched the earth; and sometimes a wooden spade was justly deemed as effective an instrument. Near Inverness, a few small carts were used, with wheels made of boards, which wore with the grain, and soon ceased to be circular. Yet even vehicles such as these were not far behind the Lowland cart with its wooden axle, and the wheel affixed to it; and wretched as is the character of the agriculture preserved to us by Burt and other early travellers in the Highlands, it may safely be said that Inverness-shire had not accomplished nearly so great a change between 1745 and the end of the century, as the Lothians and the other agricultural counties.

From an early period after the Union, the patriotic gentry published treatises on agricultural improvement, and followed them up by experiments. Lord Belhaven and his neighbour Lord Haddington, called attention to enclosing and planting. Fletcher of Saltoun carried a Scottish millwright to Holland, where, in 1700, he learned how to make fanners. Much to the wonder, but little to the profit, of the neighbourhood, the winnowing machine was established at Saltoun, where the grain cleaned by it, looked on with some superstitious suspicion as procured by artificially created wind, was called Saltoun barley.* It was not until 1737, that, in

close of the last century, upon some of the best land in the country, the tenants were bound not to sow less than two white crops in succession—wheat to be followed by barley. The ridges were either straight or crooked, generally twenty to thirty feet wide, and raised up in the middle several feet above the level of the furrow. Some of these are still to be seen in Binning work. * * * Turnip husbandry, which has since entirely changed the whole systems of cultivation throughout the country, was then unknown. A few were grown on some farms, but they were sown broadcast, and were seldom larger in size than an apple. In the neighbourhood of Dunbar, from the large supply of sea-weed, a greater breadth was grown than in any other district, but still broadcast."—*Paper on "Agriculture in East Lothian in last Century."—Scotsman Newspaper*, 17th May 1851.

* Chalmers's Caledonia, ii. p. 491.

the neighbouring shire of Roxburgh, the machine was established as an actual means of farming operations.*

In 1723, arose "The Society of Improvers in the Knowledge of Agriculture in Scotland." Their transactions are still read with interest by the scientific agriculturist; and for twenty years they seem to have struggled earnestly for a practical and effective reform in the wretched system around them. It was doomed, however, that until the next natural convulsion should come and pass away, every appeal should be vain. They appear to have produced merely isolated local efforts, which may perhaps have propagated the national movement of the ensuing age. Some instances occurred, under their auspices, just before the Rebellion, of draining, enclosing, summer-fallowing, and sowing turnips and grass seeds, in Roxburghshire; but there was no general system, and they were rather the curious experiments of improvers, than regular operations, from which specific profit was to arise. The growth of potatoes was introduced in the west in 1740, and the root, through that rapid but insecure facility of production which has since made it so calamitous, soon became popular.† It was not, however, until after the Rebellion that it became an element of systematic field-tillage; nor indeed did the system of the drill-plough, turnip husbandry, rotation of cropping, and chemical combinations with the soil, exist even in the favoured southern counties until the middle of the century.

The small local attempts at improvement indeed, occurring before the Rebellion, were accompanied by signally unfortunate coincidents, which made agricultural advancement seem but a new calamity. In Nithsdale and Galloway, some attempts were made, in 1725, to enclose land, preceded by the ejection of several crofters, and the

* Chalmers's Caledonia, ii. p. 243. † Brown's History of Glasgow, p. 168.

enactment, on a small scale, of what has since been seen in Ireland on a great. The district owned many Cameronians, not the most placable or reasonable of men, and the people rose in embodied resistance; committees were appointed to level enclosures; and a sort of agrarian parliament was held at Kirkcudbright, where the people were invited to state their grievances.*

The sufferers appealed to the world, admitting that they had destroyed the enclosures, raised contrary to the laws of God and man, in dire oppression, which hesitated not to drive the poor from house and sustenance, to increase the luxuries, the pomp, and the pleasures of the rich. They put forth a strong case of inhumanity, asserting that in several instances fifty or sixty families in a parish had been abruptly driven from their homes, to wander helpless and hopeless through the country; and they reminded the government that these were of the peasantry, who had been truest to their cause in the Rebellion, and were least tainted with disaffection.† Such an event was calculated to chill the spirit of improvement; but it was not repeated when subsequent wider efforts were made, for they were welcomed by the common people as well as the gentry, and looked to as the sources of general prosperity. There are few symptoms of so wide and healthy a change in the character of a people, as may be found in comparing such incidents with the hearty co-operation which, in the subsequent and more fortunate generation, aided and advanced, instead of interrupting and embarrassing agricultural improvement.

* Wodrow's Analecta, iii. 52, 157, 210.

† "An Account of the Reasons of some People in Galloway, their Meetings anent Public Grievances through Inclosures." It is here said,—"And when complaints of this usage have been made to some of them (the landlords) they answered, 'Drive them into the sea, or let them go abroad into the plantations, or else go to hell.'" Among the other pamphlets appropriate to the question, was printed "The Opinion of Sir Thomas More, Lord High Chancellor of England, concerning Inclosures."

The vast manufacturing enterprise which has distinguished Scotland, was as unseen and as unanticipated in the early part of the century, as her agricultural progress. All who interested themselves in this element of prosperity, of course sought for it government encouragement and protection. According to the received political economy of the day, they endeavoured to discover a staple trade, for which the country was supposed to possess peculiar facilities, so that it ought to be encouraged as the main article of produce for exportation; while the other productions, which neighbouring countries could furnish as well or better, should be discouraged. The manufacture fixed on was that of linen, and it thus received early adventitious aid from the British legislature.

Great expectations were sometimes founded on the clause of the Treaty of Union which required that the proportion of new taxation in Scotland which went to the payment of any of the old debts of England, should be employed in "encouraging and promoting the fisheries, and such other manufactures and improvements in Scotland as might most conduce to the general good of the united kingdom." There were frequent demands, especially from the royal burrows, for the fulfilment of this stipulation; but there was a preliminary impediment in the complicated character of the national accounts. In 1718 an act of Parliament proclaimed that insuperable difficulties had been found in adjusting the proportion out of the new taxation, which would be paid by Scotland for the old debts of England, and ought to be expended for the benefit of Scotland in terms of the treaty.* It was arranged that two funds should be fixed—the one of ten thousand, the other of two thousand a-year, which should stand as a commutation or fixed adjustment of the fluc-

* 5 Geo. I., c. 20. The act makes itself a very happy echo of the difficulties encountered, by an effort to describe them in a single sentence, which fills twelve closely-printed pages.

tuating equivalent. The former was devoted to the payment of the old debts of Scotland, and some other claims, while the smaller sum was to be entirely devoted to the encouragement of fishery and manufactures; and in the meantime it accumulated as a fund for that purpose.* In the offensive Malt-Tax Act of 1725, it was provided that whatever the duty produced above twenty thousand pounds was to be invested in trustees for the encouragement of fishery and manufactures. The arrangement was completed in 1726. Statutory regulations were then enacted for the linen trade, and commissioners were appointed for its regulation, who were entrusted with the funds for the encouragement of industry which had heretofore lain dormant. Thus was created the Board of Trustees for the encouragement and improvement of manufactures, which still exists.† It arose out of some earnest appeals by the royal burrows, and their activity was of itself probably productive of more genuine prosperity than the government board which it immediately obtained. The symptoms of attempted resuscitation at this period are shown by the establishment, in 1726, of the Royal Bank, in competition with the Bank of Scotland. The two enjoyed the banking business of Scotland until after the Rebellion. The manufacturing impulse, indeed, at the end of the first quarter of a century, was like the agricultural, faint and partial. Causes of future

* The amount of Scottish debts had, by running several years in arrear, amounted from the round sum of L.160,000, at which they were estimated at the Union, to L.230,308: 9: 10⅔. Along with this was set forth, in the act of 1718, the sum assigned by Parliament to Paterson, L.18,241: 10: 10⅔, the whole amounting to L.248,550: 0: 9⅓; the funded capital on which the L.10,000 a year was to provide the interest. That Paterson, if he was then alive, ever received any portion of the fund so reserved to liquidate his claims, is doubtful.—See vol. i. p. 285.

† See Lindsay's "Interest of Scotland Considered," 1733; "Memorial from the Linen-dealers, etc., of Forfarshire;" and the Report on the Board, by Mr Shaw Lefevre, in 1847. It appears that in 1743, the whole linen stamped did not exceed L.30,000 in value, and yet was supposed to amount to half the manufacture of Scotland.

doubt and distrust seemed still to hover over men's minds; and the air had to be cleared of mischief ere they could set freely and heartily to the great function of national industrial progress.

From such petty matters, and the importance attributed to them in their day, those acquainted with the present condition of Scotland may form some conception of the united extent of her industry and commerce in the interval between the Rebellions. It did not serve to neutralise the evil influence of this depression, that it extended upwards from the middle classes and common people. Indeed, one of the main direct causes of the Rebellion was the poverty of the aristocracy and especially of the Highland chiefs. The intensity of this poverty, is scarcely conceivable in the present condition of society. Men enjoying a semi-regal power, who, if they were visited in their Highland fortalices, were found in the midst of a mob of retainers, and could by a stretch of the feudal right of purveyance, place before the stranger an abundant meal, would be found unable to command a few shillings in money. When living among their followers, they might manage, by a mixture of parsimony and greedy tyranny, to support their families; but they could not appear in Edinburgh, far less in London, with external attributes placing them in the rank even of the humble citizen. The national reluctance to pursue secondary employments defeated itself, and many of the proudest scions of ancient races had, in the end, at once to descend into occupations of the humblest kind, and sometimes to pass below the stratum of decency and respectability. While the middle order of gentry were scorning the drudgery of the counting-room, a noble family was found claiming the right to keep a gambling-house in London by privilege, and a peer, more fortunate in his choice, was attending, in humble respectability, a glover's shop in Ayr. Balmerinoch talked with his usual frank recklessness, of his utterly desperate fortunes, which could

not be worse. Kilmarnock, if we may credit Walpole's contemporary notices, used to prowl about London like the victim of dissipation in the modern novel, hoping to extract from some humble friend a semi-charitable dinner. Such men had all to gain in the adventure,—they had nothing but a miserable existence to lose.

What rendered this poverty so formidable, was the power with which it was allied. "Poor twelve thousand a-year," said Pennant, in the spirit of an English squire, "nearly subverted the constitution of these kingdoms." Had the revenue been ten times as great, it might have afforded little more power—it would have withdrawn the main temptation to perpetrate this feat. The greatness of this power arose from the feudal jurisdictions, unfortunately reserved, as we have seen, by the Treaty of Union.* The office of sheriff of the county was frequently vested by hereditary right on some important landowner. He was, it is true, but a subordinate judge; and recourse lay, in grave questions, from his judgments to the supreme courts. But his power, if the supreme court were not called to intervene in the proper form, was of the most formidable kind. He could not transport, because his authority did not reach beyond his county—and transportation, in the modern fashion, was scarcely then in use; but he could hang. It will easily be believed that the occasional petty tyranny of English justices of peace in modern days, would be but a faint echo of the despotism which a landed proprietor, invested with these high judicial attributes, could inflict on the people of remote and unknown districts. But besides these sheriffs, many of the great landlords were Lords of Regality within their own estates. The Regality, like a Palatinate, was a separate little kingdom carved out of the realm, where a great man was indulged with a gift of supreme authority.

* Vol. I., p. 425.

The lord of Regality, unlike the subsidiary sheriff, exercised the power of the regal courts within his bounds. The judicial records of Scotland preserve an interminable series of contests between the central ministers of the law and these lords of regality, ever endeavouring to shield some follower from justice by "reclaiming him," to be dealt with in their own courts; or attempting, with their irresponsible powers, to perpetrate some act of feudal vengeance under the form of justice. Gradually the powers of these little tyrants had been reduced from their old flagrancy; and when a criminal belonging to a regality was put on trial before the supreme court, the lord of Regality's representative might sit on the bench along with the King's judge, but he was not to claim the criminal as his own, and carry him off to be dealt with as his chief and kindred might determine. Thus the law, in some measure, deprived these potentates of the power to shield those who were seized for acts of feudal vengeance or depredation on their neighbours; but the law did not yet deprive the lord of Regality of his power to punish any one within his territory whom he might single out for vengeance. His power was coextensive, not only with the estate in his actual possession, but with his feudal superiority, as it was called, which, by the system of Scotland, different from that of England, permitted the seignorial or freehold right to be retained while the land was substantially in the possession of another. Thus the owner of an estate, however extensive, if it were held of a superior who owned a regality, would have to acknowledge in his next neighbour his supreme judge, with power over him of imprisonment and death. We have seen that the right of superiority, when exercised by a chief over a hostile clan, was fruitful in Highland turbulence and bloodshed.* When the feudal superiority

* See vol. i., p. 155.

was accompanied by a right of Regality, the power of inflicting those wrongs on the one hand, which animated wild vengeance on the other, was still more formidable. Two ominous ensigns of power desecrated the territory of the regality—a prison and a gallows; and it was sometimes the lord's despotic pleasure that the offensive instrument of ignominious death should overshadow the territory of some detested vassal, to remind him, should he probably be increasing in wealth or influence, of the remnant of old barbarous feudal power that still obtruded into the rising civilisation of the age.*

In the regality there were many municipal and social powers; and the bailie, or representative of the lord, was in the same position as the chief magistrate of a town, save that he was delegated by an autocrat, instead of being elected by the municipality. Thus there were many instruments of vexation and petty tyranny to keep the district enslaved to the superior, in the assessing and levying of tolls and customs, and the regulation of markets, weights, measures, and the like. Among other conditions which co-operated with these powers in the depression of the humbler agricultural class, the consideration which the tenant gave for his farm, instead of rent, was some relic of old feudal exactions, such as those which afterwards roused the peasantry of France to frenzy. There were many payments in produce or in services, which were never so distinctly defined but that there was room for the exercise of oppressive exaction when a landlord was tyrannical. At the same time, some of the exactions from the tenant class were direct feudal servitudes, and

* "I was *once* consulted," says Sir George MacKenzie, "whether a lord of Regality might place a gallows upon any part of his vassal's land lying within his regality; and at first it seemed that he might." Yet he thought there ought to be limits to the choice. "If there were any apparent design of affronting the vassal, I believe he could not use this privilege; as if he did offer to place the gallows at his vassal's gate, or at his garden-door."—*Laws and Customs*, p. 410.

were so called. They were not rendered to the landlord as owner of the ground, but to the superior, in token of vassalage. Common thus to the whole country was "thirlage," as it was termed, to a particular mill for grinding the tenants' grain, subjecting him to customary duties to the feudal superior; and in more rare instances there was a similar obligation to bring the grain for malting to a feudal mill.

The correspondence of the period, and other contemporary indications of the state of the country, contain profuse evidence of the grinding tyranny exercised by the various classes of hereditary judges. It might be that, near the seat of justice, the law officers of the crown and the supreme court, taught in the English school of central and responsible judicature, restrained acts of flagrant injustice or cruelty. But in the remote Highlands this arm was utterly paralysed; and one who, to the patriarchal power of the chief, added that of the feudal lord and the supreme judge, exercised a despotism as irresponsible as any Turkish pasha or French seigneur of the old monarchy. That such a system should have been tolerated into the middle of the eighteenth century, after Somers, Hardwicke, and Forbes had occupied the bench, may seem incredible, but it is true.

The casual stranger from England, who found his way into the Highlands as an officer of the disarming companies or an engineer of Wade's roads, contemplated the system with a kind of shuddering surprise. He viewed it with that imperfect and dubious sense of personal security with which the traveller of later times has witnessed the execution of quick justice at the courts of a Mehemet Ali or Runjeet Singh. The Englishman is exempt from the terrors of their despotism by the privileges conceded to his powerful nation; but in the presence of capricious power, there is the uneasiness of

one who plays with a tamed tiger, on which there is no reliance. And so sometimes felt the stranger in the Highlands. If well accredited, he met profuse hospitality, and was allowed, in the courtesy due to a stranger, the temporary use of the patriarchal power, as a planter puts his slaves at the service of his guest. If he had any wrong to complain of, the courteous chief would at once avenge it, and promise him the inexpressible pleasure of seeing the offender hanging in front of his bedroom window when he rose next morning, unless he would prefer a present of the head as a memorial of Highland courtesy. Such savage favours were apt to engender uneasy doubts in the mind of the stranger, remembering how far he was from the hand of the law, especially when he found that not only the native followers of the chief, but all who entered his territory, were subject to his patriarchal justice.

Burt, the English officer who has preserved so many curious notices of the Highlands, found a fellow-countryman, an English footman, enslaved by one of these potent chiefs. He had been wiled by tempting promises from the pleasant pastures, the social happiness, and the freedom of his native land, to that grim wilderness with its dungeon and gallows—and return was hopeless. The visitor, like a prudent man, felt that he durst not interfere, and thought it unwise that he should be seen talking to the desponding Saxon, while the chief, in all his tartan glory, and with broadsword and pistols, was parading up and down, and casting around him suspicious and dreaded glances. There existed indeed, at that time, a considerable amount of practical slavery in Scotland—Lowland as well as Highland. Two classes of workmen were actual predial serfs—colliers and salt-makers; and the law authorities of the day talk of their serfdom as a necessary though unfortunate condition of the existence of society—as the impressing of seamen and American

slavery have been spoken of at the present day. The powers which the law gave for the interpretation of bargains with ordinary servants, and the retention of their unwilling services, were very arbitrary and tyrannical. A lord of Regality, or the friend of such a person, could of course do what he liked in such a matter—could make the bargain and the law to suit his views and interests. The only recourse of the poor servant, like that of the slave at the present day, was in flight; and advertisements, offering rewards for the capture of runaway servants, were common in that age in Scotland.

Still the law professed to abhor abstract slavery. Towards the end of the preceding century even, the courts of law had refused to acknowledge the right of property in the owner of "a dancing lassy;" and some proceedings in the supreme courts, soon after the Rebellion, showed a disposition to deny the claim of ownership over negroes brought to Scotland. Whatever amount of personal oppression there might be, there was no means of making money by it in traffic within Scotland. But there was a means elsewhere, and it was not overlooked by the owners of the heritable jurisdictions in turning their valuable powers to the best pecuniary account. The practice of kidnapping slaves for the plantations, was extensively pursued in the northern counties. It is the unfortunate character of the produce of some tropical countries, that it can be more profitably raised by servile than by free labour. The process involves little of that scientific skill necessary to agricultural as well as other pursuits in happier climes, which the rewards of free labour can alone elicit. The occupation is simple and monotonous; but, in these hot regions, labour is distasteful to all, and those who have the power exempt themselves from it, and throw it upon others. The whole curse of this system had not yet been concentrated upon the black sons of Africa; and to be kidnapped and

carried into slavery, was one of the possible destinies of the white man—even of the inhabitant of this asylum of freedom. Our system of transportation to penal colonies had its rise in the supply of this labour-market. On conviction for secondary crimes, sentence of death was commuted for self-exile to a plantation. Thus statesmen congratulated themselves on what they vainly deemed the easy solution of one of the toughest social knots—the best system of penal justice; they saw the country rid of its moral curses, while the planters obtained the compulsory labour so much desired.

The Highland lairds, with their hereditary jurisdictions, found it extremely convenient to follow the example thus set. Their authority did not enable them to transport convicts; but when the gallows was in the background, they had little difficulty in persuading those who came under their wrath, that it would be well not to be clamorous, but submit at once to the alternative of entering as "an apprentice" in one of the American plantations. Some of the Highland potentates increased their scanty incomes by prudently turning their judicial powers in this profitable direction. It laid, however, a considerable tax on the skill of the speculator, for if not judiciously used, it might produce disagreeable consequences. The chief was the father of his own clan. He might, as representative of the aggregate voices of the clan, or at least of the soldier class who alone were listened to, be severe to any individual member. But he would find it unsafe to do anything that might excite the fears and wrath of the clan against him as a general oppressor, and a betrayer of his people into the hands of the alien. On the other hand, every man, belonging to a rival clan, seized and sold, was of course an injury to be accounted for. Thus those who entered on the kidnapping business, required to be circumspect; and it is probable that the victims were

generally those men of broken clans, who had no chief to stand surety for them in their difficulties, and organise them for service; and who, living by miscellaneous plunder, were the most easily caught and disposed of.*

The Highland chiefs, however, were not the only, or perhaps the most successful, kidnappers. It is the natural effect of such powers as those involved in the hereditary jurisdictions, that they exercise a tyrannical influence beyond their strictly legal bounds, and diffuse through the whole of the class exercising the power, a malign influence over the class among whom its victims may be found. Where there was a lord of Regality, with his supreme court, his judge and prosecutor, his collector of penalties and fines, and his regulator of the buying and selling within the regality, there was to be found a centre of despotic influence in which the connections of its owner amply participated; while his power gave vigour to the whole of his own class, and became a terror and a source of subjection to those who were beyond it, or inimical to it.

Perhaps mercantile men, when they discovered this new opening for enterprise, would, if they were able, have followed it up as readily as the Highland hereditary judges. Small as then was the commercial enterprise of Scotland, it was deeply stained by this criminal traffic for some years before the Rebellion; and a foul combination had sometimes been made between the feudal landlord judges, and the corporate authorities in the seaport towns, for the kidnapping of healthy, strong young peasants, to be sent as slaves to the plantations.

This trade came suddenly to an end when, at the conclusion of the insurrection, the hereditary jurisdictions were abolished; and there would have remained no traces of its existence in Scotland, save a few fugitive notices in

* Among the other abundant evidence on this practice, much will be found throughout the Culloden Papers. See p. 118, *et seq.*

letters and memoirs, that might have been explained away, had not one of the victims returned to the country in the days of a stricter administration of justice, and told his story. His name was Peter Williamson. He had been kidnapped in the streets of Aberdeen when a boy about ten years old, and sold to an American planter three or four years before the Rebellion. He had many adventures—changed masters, was used with harshness as a mere slave—with indulgence as a clever assistant—was taken by the Indians, and lived among them, holding rank in one of their nations. Finally he found himself, among the revolutions of his fortune, again in his native country, with the necessity of discovering a means of living.

In his extremity, he sought to turn his calamities and adventures to profit. He printed an account of his adventures, and passed from town to town selling his book and acting over some scenes in his career to those who paid a trifling sum for admission. Thus passing from place to place, he reached his native city of Aberdeen about the year 1765. Times had greatly changed; and the abolition of the hereditary jurisdictions rendered it not only impossible to commit such crimes as Peter Williamson had suffered by, but very necessary that all trace of their ever having been perpetrated should be obliterated. The appearance of the adventurous exile, who had to tell so dramatic a personal history, from the time when, playing a careless boy on the pier of Aberdeen, he was kidnapped by one of the magistrates, and committed to the common jail, to wait till he could be safely exported, spread consternation through influential circles. On considering what should be done with Williamson, it was insanely resolved to take the high hand, and prosecute him before the local court for defamation, with the belief that his oppressors had still local influence enough to get him punished.

There were then at the Scottish bar some men of high

spirit, whose views of civil freedom were as bold as Fletcher's, and far more distinct and consistent. They thought that the history of this man—kidnapped in a British town—sold into American slavery—and finally committed to prison for telling his hardships, by the men who had inflicted them—pointed at conduct scandalous to British and Scottish liberty, which ought to be investigated and exposed. The result of the investigation was to open a frightful view of the tyranny exercised by the upper towards the humbler classes, before the Rebellion and the extinction of those hereditary jurisdictions which conferred so much irresponsible local power. It was proved that the kidnapping system dispersed terror among the parents of healthy likely boys, throughout wide districts round the sea-ports—that there were innumerable domestic legends of boys who, straying somewhat far afield, had been met by some gang of kidnappers, and were never again to be seen or heard of by the sorrowing parents, who wondered if they had been haply lost at sea, or were hoeing the sugar-cane, at the instigation of the driver's lash, beneath the blazing sun of Jamaica or Virginia.*

In finding that twenty years after the abolition of the hereditary jurisdictions, the discovery, through the wrongs of one man, of so deep-seated and wide-spread an iniquity, had the effect of a striking novelty in the Parliament House of Edinburgh, and created astonishment, indignation, and disgust throughout the country, we see how marked a change the legislation following the Rebellion had created, and how great were the local means of tyranny to be eradicated.

The existence of local irresponsible powers such as

* See a volume of law papers, in the Advocates' Library, on the case of Peter Williamson. Extensive reference will be found to the contents of these papers in an article on Peter Williamson, in "Blackwood's Magazine" for May 1848.

these, will at once point out some of the main elements of which the Rebellion was composed. A government never can be secure which has within it a preponderating mass of independent irresponsible communities. And the existence of such a cluster of bodies, of various kinds, throughout Scotland, went far, when a peculiar train of circumstances concentrated their efforts in one direction, to shake the mighty throne of Britain. A lesson was then suddenly taken, and though in Scotland roughly pursued, was afterwards quietly, and as it were unconsciously, followed out, in the practice of government. Its leading principle is to allow no conventional or local power to gain head, but to keep each, were it an aristocratic, a military, or a democratic and pecuniary interest, subsidiary to the central authority of the government, backed by Parliament. The thirty years following the Rebellion of 1715 in Scotland, showed that, while these local powers existed, the country could not be under one system of government, because, while the crown and the legislature were avowedly enforcing their own system, there were local powers effectively enforcing the policy of the exiled house. Along with the practice of semi-slavery among the Highlanders, and of kidnapping and slavery by persons using the influence of the aristocratic judicatories, such a history as that of Lady Grange is a signal instance of what local power could do in defiance of the policy of the government and the law of the land. This outrage was committed to aid the Jacobite cause, and it is but natural to suppose that it would frequently obtain much more extensive services from the convenient powers possessed by many of its adherents.* There is evidence

* In a letter by General Wade to the King, in 1727 (MS. Brit. Mus.) there is the following passage:—"In my humble opinion, the greatest inconvenience that attended the frequent use of arms in the Highlands, was their being ready and proper instruments of the Pretender, or any foreign power, to give disturbance to the government. For the superiors and chiefs of clans have in all ages assumed an absolute and despotic power over their vassals,

that on the landing of Prince Charles the coercive powers of the Jacobite chiefs and lairds were abundantly used, creating that astonishment in their effects which had its origin in the ignorance of the cause.

It is a general belief that the Highlanders, in their disinterested loyalty and deep-seated devotion to the principles of divine hereditary right, flocked enthusiastically to the young Prince's standard. But this is very far indeed from the truth. That many of them liked the work they were set to, is obvious enough. They were glad to be embodied in arms, under their legitimate leaders, without caring much for the cause they were to fight for. But a large number had to be forced to "do their duty," as it was termed, and joined the muster with extreme reluctance. That people could be forced into obedience to rebellion —that they should be compelled to rise against the institutions which would protect them from coercion,—seems almost a contradiction in terms. But we have abundant evidence of the harsh measures to which it was frequently necessary to resort; and the Highlanders, like other people, were liable to the coercion of the social system to which they were attached. To flee, or hide, or otherwise evade a muster, might be a secondary and pardonable offence, condemned by the law of the clan, but not quite at variance with its moral code. But to seek the

who never refuse to follow them without inquiring into the justice of their cause, or against whom they are to act; by which implicit obedience, they have frequently been engaged in rebellion against their sovereigns, both before and since the union of the kingdoms. And I hope your Majesty will pardon my presumption, if I here insert a saying of the Jacobites abroad, as I have been assured from gentlemen well affected to your Majesty's government, who in their travels through France and Italy, have happened to meet and converse with those people. They always owned that their greatest hopes were from the Highlands of Scotland; and when it was said that those hopes were vain, since his Majesty had an army of twelve thousand regular troops at command (the establishment at that time for Great Britain), their usual answer was,—'We have also a standing army of twelve thousand Highlanders, as resolute, as well armed, and as much under command, as the regular forces you so much depend on.'".

protection of the laws of the stranger would be the unpardonable offence of treachery. In the interior of the Highlands absolute submission seems to have been easily exacted; but in the outskirts, where, perhaps, there was a slight mingling of Lowland population, and where the people were not too blind to see that their leaders alone had an interest in the rising, considerable opposition was offered to the commands of the chief. This was conspicuously visible in the Athole territory. The chivalrous Tullibardine was much provoked by the obstinacy of the retainers of his house in the valleys round Dunkeld. They had to be repeatedly threatened with coercive measures, and appear to have been literally forced into the service by press-gangs from the other clans. He had been absent from the country during the whole interval between the Rebellions, and his brother, who adopted the interest of the government, enjoyed his estate. He could not see that this affected his divine right as chief any more than it affected that of his royal master; but the clan appear to have imperfectly participated in such a principle, and to have abandoned, as he expressed it, the virtues of their ancestors.*

Many of the social peculiarities which have just been alluded to as the elements in which the insurrection found its strength, belong chiefly, if not entirely, to the Highlands. But it remains to be accounted for that among the Scottish Lowlanders, not less conscious of the value of civil liberty than the English, and strongly prejudiced against the Stewart family on religious grounds, the young Prince found a limited amount of support, and a wide extent of sympathy. From his reception by the lairds of the one country, it was not a seemingly unsound deduction that he would rally round him a large Jacobite party among the squires of yeo-

* See the Jacobite correspondence of the Athole family during the Rebellion, printed for the Abbotsford Club, 1840, pp. 16, 156, 161, etc.

manry of England. But in this he was doomed to a mortifying disappointment. There was, indeed, a slight but a fundamental difference between Jacobitism in the two countries. In England, it was the principle of a parliamentary party; in Scotland, it was the principle of a national party.

There is a blunder often made by those who view English politics from a distance, that the party divisions breaking out with so much ferocity in parliamentary or election warfare are fundamental and irreconcileable, and require but to be well managed to bring about the division and destruction of the empire. Again and again, however, has the first sound of alarm from without hushed the hubbub of factious conflict, and united the opposite parties for national defence. A party, angry and denunciative in Parliament, talking about their country's betrayal, threatening the destruction of the government at all hazards, seeming even to invite foreign aid, and a party that will actually join the foreign banner when unfurled upon the coast, are two totally different things. The former has been often witnessed in England—the latter never. Nothing was farther from the notions of the country party who railed against Walpole and corruption, against the selling of England to the interests of Hanover, and the employment of foreign mercenaries to enslave the people, than actually striking a blow for the cause of the foreign pensioner reared in despotic courts and imbibing their interests and opinions, who represented the house of Stewart. "Downright Shippen," when he said he took his orders for his parliamentary conduct from the court of St Germains, was a Jacobite in a parliamentary sense only, and would have been sadly distracted had he been told that King James had come over to give him instructions close at hand. Had there been no insurrection, it is difficult to say how long a Jacobite party might have subsisted in the parliamentary sense;

but the march to Derby effectually frightened them, like conjurors who have been too successful in raising a formidable fiend.

In Scotland it was different. The Union had failed in accomplishing a complete fusion of the two peoples. The predictions of those who anticipated tyranny and insult from the strong country towards the weak, had too much the appearance of fulfilment. The preceding pages will have been written in vain if it be not seen by them in how many of her most sensitive nerves, Scotland was acutely irritated by England. While smarting under these inflictions, the people, given to sentiment and romance, bethought themselves if the old race of their own line of sovereigns whom they had so relentlessly discarded, might not have stood by them in these their trials? The persecution of the Covenanters, and the inquisitorial tyranny of the Privy Council, had migrated into the indistinct back-ground of past history, and were overshadowed by the grievances of heavy taxation and national insult, present and palpable. Much had been heard of the high spirit and gallant bearing of that youth on whom would have descended a crown, fondly believed to be the most ancient in Europe, and to have passed through a line of monarchs unexampled in length and continuity. The few gallant and devoted men of the first blood in the land, who had already sacrificed themselves for his cause in self-imposed exile, called forth the respectful sympathy of a people who love rank and admire generosity. They knew not the petty trickery and caballing in that court where people acted the game of king and ministers; and thought that the exiles who had cast their lot with him whom they deemed their rightful sovereign, exhibited a single hearted purity of devotion well contrasted with the selfish, and often false, dependents in the Hanoverian court. Popular literature and song befriended the cause. All these attributes

calling forth pity, sympathy, and admiration, were directed by this potent agency towards illustrious birth, high rank, endurance, generosity, and heroism, and took a hold on the imagination with which the utilitarian principles that directed the parliamentary settlement could in vain compete. The finest of those old and simple, but sweet and plaintive airs, which called forth the admiration of Dryden, became allied with the "auld Stewarts back again," and the restoration on the legitimate head of Scotland's independent crown. It will yet be some time ere the race die out in Scotland, who have felt a little of the romance of Jacobitism—who remember from the nursery the sweet sadness of the ballads that spoke of the young Prince's heroism and his royal line, embodied the wailings of those who had left their best and bravest on fatal "Drummossy Muir," and swelled into triumphant prophecy that for all that was past, a brilliant day was coming, and his adorers would behold their idol again.

The Scottish Lowlanders, with all their capacity for the serious business of life, and their performance of its duties, are an imaginative race. They have ideal historical idols at utter antagonism with their opinions. They thus present to their neighbours of England a difficult problem; and to German historical philosophers, who say the British people do not understand themselves and must be interpreted, they are a source of inextricably confused and perplexed intellectual manipulation. Prominent in the sources of these perplexities are the contradictory idols of later Scottish history. In the commencement of the series, we have Queen Mary and John Knox. Following them we have Montrose on the one side, and the Covenanting heroes, too many for enumeration, on the other. To occupy the front of the next stage we have Dundee, one of the most cordially hated men that ever existed, yet one whose name and genius a true Scot

even of the strongest Presbyterian principles would not willingly see excluded from the sources of the biographical commemoration of eminent men. Next we have Prince Charles Edward, no Scotsman, but a native of France reared in Italy,—with the name, certainly, of the old royal line who had in their veins the blood of Bruce; but with so large a continental ancestry in the marriages of three generations of his parentage, that the lairds could not well suppose him to be endowed with much of the old Scottish blood. Yet he too became a sort of idol of the imagination, with those whose politics and religion would have compelled them to vote against him, had the question of his succession to the crown been a matter of deliberative adjustment.

So completely had Jacobitism deposited itself in the Scottish mind without any connection with the principles of the Stewart government, that young lads at school, when they read of honest Cincinnatus nobly poor, of Coriolanus and of Belisarius, immediately associated their classical idols with their national, and sighed, though they might belong to the old Secession or the Relief, that there was no longer a Queen Mary or a Charles Edward. When democratic feelings broke out in great vehemence at the time of the French Revolution, they were tinged with a sentimental love of Jacobitism, the faint echo of that which had a considerable hold on Scottish feeling in the earlier part of the century. The mixed sentiment was well represented in the later period by Burns, who, with all his strong democratic tendencies, was a sentimental Jacobite, and lent his powerful poetic voice to swell the songs of the bards of legitimacy, when he was offering a sympathetic gift to the French Convention. Against any such mere ideal political partisanship, has to be ranked the irreconcileable religious feud between the exiled house and the majority of the people of Scotland. Encountering this, the national feeling

against England, and the re-action towards the exiled descendants of the old line of Scottish monarchs, had at least the effect of unnerving and neutralising the religious antagonism to the Pretender. We have seen that in the north, the Presbyterian spirit was peculiarly mild; it was rather that of conformity with the Establishment, than devotion to the clerical shape assumed by it. Of the really zealous Presbyterians of the south, very few, if any, joined the Pretender, and the wrong-headedness of the Cameronians was again relied on in vain. But the causes of national disgust which made some zealous for a Stewart restoration, were sufficient to render the others indifferent. The old fervour with which they fought in the cause of covenanted righteousness was gone. The government received as a choice of evils their tacit assent, but nothing more. Hence it appeared, and was in many quarters believed, that the Lowlands of Scotland had degenerated from their ancient courage. The day had been, it was said, when the broadswords were scattered like chaff before the deadly Scottish lance; but now the very sight of a plaided Celt was sufficient to send panic into the hearts of the unworthy successors of these Lowland warriors. True, there was an element powerfully favourable to Highland prowess in the familiar use of arms, which, among the Lowlanders, had now been long transferred to the stipendiary soldier. But though they might have shown awkwardness, and supported an unequal combat, they never would have shown poltroonery in any cause which they had at heart. They were lukewarm, while their adversaries were in earnest; and so the tide of insurrection rolled over them unchecked.

This was the position of the best friends of the Hanover government in Scotland. But that which made the Presbyterian lukewarm, rendered the Episcopalian hostile. Along with all that others bewailed as Scotsmen, he had the additional grievance of persecution to

rankle in his heart. It was not necessary that men having so many causes of enmity at work within them, should be slaves to the theory of legitimacy, or believers in the divine right of the Stewarts. They had quite enough to drive them into hostility, even though they were friends of constitutional principles, and civil and religious liberty. At the same time, among their coadjutors there certainly were a few fanatics for legitimacy, whose steady, constant, and firm faith to the last in their broken idol, command an admiration which contempt for their judgment cannot wholly neutralise. They are not to be confounded with the mere sympathisers in the romance of Jacobitism. From some of the romantic incidents attending it, already alluded to, an ideal Jacobitism was created, counting many votaries who had no desire to see the court of the Stewarts restored to Britain. The devotion of the true old Jacobite families, however, was of a totally different caliber. It was more a religion than a policy. It entered so strongly into their feelings, that their descendants have inherited it as a tone of thought, after all the material elements of a Jacobite cause have long departed. The idolatry was shown in the usual form of relic worship. The enshrined object might be a piece of a shoe that the Prince had worn in his wanderings; a shred from his plaid; a book that he had read. If things so nearly associated with the sacred person could not be obtained, then a chip from the boat in which he had been conveyed to the Isle of Skye—a stone from a cave in which he had hidden, must suffice. It was among a select few only that such memorials, even the more indirect kind, could be distributed; but those who possessed no such precious morsel, could record in some family register, intended for their posterity, the fact of their having, at such a given place and time, touched a piece of the sanctified vestment that had shielded the sacred person of the wanderer.

The few who had this political religion—bred of the divine-right theories taught by the later churchmen—were of the upper ranks of Scottish society, and were usually Lowland gentry. Perhaps some of the Highland chiefs may have belonged to the same enthusiastic class; but for them there were motives of a totally different character, in the temptation to pass from miserable uselessness into active importance, and from poverty to riches. These Highland chiefs, in fact, had too much serious business to transact, to find any room in their minds for either a sentimental or a philosophical political principle. With their fighting men all ready, they had to make their choice, and that rapidly, how these resources were to be worked. On the one hand were coronets, colonelcies of regiments, and the historical glory of rebuilding the temple by a restoration; on the other, was defeat, slaughter, forfeiture, and the gibbet. It would be uncharitable to maintain that all the chiefs acted on selfish and aggrandising motives; but it was among them certainly that the temptation so to act was strongest, for the Lowland lairds, however much they might lose, had little to gain, even by successful rebellion.

CHAPTER XXII.

European Politics and the Cause of the Stewarts—French Invasion attempted and abandoned—The two Grandsons of King James, and their respective Characters—Inducements to Charles Edward to attempt Scotland—Murray of Broughton—The Expedition—Landing on the West Coast—Discouragement—Refusal of the Chiefs of Skye to join—Lochiel—The Prince's Fatalism—Reluctant Commencement—Chiefs taking Security—Raising the Standard in Glenfinnan—Tullibardine—Constitutional Nature of the Proclamations—The first Skirmish—Effect of the News in Edinburgh—President Forbes and Cope—March to Corriearaick—The Prince's March south—Accession of Drummond and Lord George Murray—Approach to Edinburgh—State of the City—Its Capture—Return of Cope—Battle of Prestonpans—Colonel Gardener—The Prince in Edinburgh—Levying Money—Lowland Adherents—Pitsligo and Kilmarnock—The March to England—Capture of Carlisle—Progress to Derby.

THE two grandsons of the exiled King James, by his unfortunate son known to Britain by the name of the Pretender, afforded, from their early youth, deep anxiety to British statesmen. Perhaps it was not so much a fear of the influence of their possible capacity, or the actual power of the party devoted to legitimacy in Britain, that created this nervousness, as the certainty that immediate descendants of the house of Stewart would be played against the moves of British diplomacy by France and Spain, and would be at all times equivalent to the possession of a strong post in their enemy's territory in time of war. When the great European conflict of the Austrian succession broke out, and England unexpectedly entered the arena, a time seemed to be approaching when the Pretender's sons could be used to some pur-

pose by the European potentates, and statesmen began to make inquiry about the two youths, curious to know if either of them had energy or capacity enough to do anything for the adjustment of his own place in the game.

It turned out, whatever opinions may have been formed of them beforehand, that the elder was destined to play one of the most remarkable parts ever performed in history by one man, without political aid or previous combination. Yet, when the whole affair is reviewed, the many statesmen who doubted if Charles Edward was likely, by his personal capacities, to become a formidable historical personage, will perhaps be vindicated in their judgment, and his remarkable career will be attributed to unseen causes, which, as they were unanticipated by the wisest statesmen of the day, were certainly entirely unknown to himself. It is true that he was but twenty-four years of age when he sailed on his romantic adventure, but his qualities for it were not of the kind that are improved by years and study. His enterprise was not prompted by a knowledge of the condition of the country in which it was to be undertaken, or a statesman's notion of the political strength of his cause. His inducements were drawn from other, and, as many deemed them, higher sources. He had a feeling of the divinity of his mission. He believed that he was, by the eternal decrees of the Deity, heir of that kingdom of which his father was, by the same divine title, the king. However difficult subtle theological politicians may have found it to meet the arguments against divine right, from Sidney and Locke downwards, the Prince was exposed to no argumentative danger of proselytism. To him it was no theory or opinion, but a conviction and a duty. It carried him through the strange series of successes which cast a short fictitious lustre over the commencement of his career. Perhaps it never entirely

deserted him, but, from its brilliant aspect in success, assumed the character of a dark penitential religion, even in adversity.

On his capacity as a military commander there have been various conclusions, brightened or darkened by the prejudices of those who have drawn them. His conduct as a soldier has been dragged through all grades, from the most abject cowardice up to capacities in leadership and strategy which would place him on a rank with Marlborough or Turenne. When Helvetius told David Hume that the Prince added cowardice to a multitude of other frailties, and gave, as an instance of its influence, that he had to be tied hands and feet and carried on board when he started on his expedition, the philosopher of the *Esprit* must have made a mistake, or been told a falsehood. There is no doubt that he possessed physical courage, and a certain amount of high spirit. Lord Mahon has succeeded in proving that his mind was so uncultivated in the first rudiments of learning, that he could not spell either the French or the English language, and that his deficiencies did not proceed from the orthographical eclecticism of the day, but from a thorough duncish opacity to etymological analogy. He was well trained in what were deemed the courtly accomplishments, and was a mighty hunter of the wolf and boar. No doubt, too, he was trained in arms, and he showed himself well acquainted with field duty. But it cannot be conceded that he was a great commander. True, he marched on from victory to victory, but it was by his fortunate seizure of the tide in his strange destiny. The same fatalism that bade him start the enterprise carried him on. He had, in his march southwards, an entire confidence in the result of every contest. But it was by no means the confidence of the sagacious commander, who has made his dispositions, and knows the elements of strength on both sides. It was the confidence of the

fatalist, believing that the arm of the Almighty was laid bare to reinstate him on the throne which the eternal laws had destined for him. And as fanaticism and fatalism often lead people to successes which hesitating skill would not have adventured, so the principle of divine right for a time led on this young commander, and seemed to inspire his followers.

The churchmen, indeed, who discovered and taught the theory of the divine right of kings in the seventeenth century, left the house of Stewart a sad legacy. It became a creed, that the descendants of throned princes had no other function in this world but to govern. It was otherwise in older, ruder times, ere the joint labours of the courtiers and genealogists had constructed the subtle principle of political legitimacy. Europe used to be full of the descendants of monarchs, following such a career of adventure as might be open to them. But the subtle theories of the later adepts taught the doctrine, that the lineal descendant of a monarch was born to his throne, and must, in the course of natural events, ascend it; and thus they let loose upon the world, from time to time, so many of the direst persecutors of the human race. It was the interest of French statesmen to encourage this doctrine, as one with which it was expedient that the descendants of the exiled monarch of Britain should be thoroughly imbued; and it was satisfactory to them to see that Charles Edward Stewart imbibed it in its purity. When he became old enough to desire a substantial realisation of the theory, they tortured the poor youth with promises, ever doomed to afflict him with the signal misery of hope deferred. Even at the times when they least intended, however, practically to aid him, he was not to be permitted to despair, or to turn from the useless and dangerous chase after the mocking fiend, to any solid object of legitimate ambition. Perhaps there was little danger

that he should thus be a lost card to the political gamblers, for his mission appears to have thoroughly entered, from an early period, into his nature. It is useless to ask whether he would have had firmness and greatness of character sufficient to sacrifice ambition to the good of mankind, and decline wading to an empire through blood, since he could never have understood that anything was better for mankind than that the Deity's will should be accomplished, by his walking to his throne, whatever lay in his way.

But to the honour of the Stewart race it should be remembered, that it produced one of these rare exceptions, in the younger brother Henry, generally known as the Cardinal York. Without declamation or profession, but keeping his own counsel, this worthy man, in quiet composure, took that step which irretrievably closed on him the gate of ambition, and secluded him in ecclesiastical repose. A prince without ambition—a popish prelate without bigotry—would at any time be a remarkable phenomenon. But, in the peculiar condition of the British empire, with the vast interests liable to be disturbed, and the terrible calamities liable to be caused, by the assertion of a foolish theory, he who had thus early resolved that for him, at least, a way should never be torn to a throne through the vitals of a nation, deserved more gratitude than has ever been paid to his kind and gentle spirit. And yet it is pleasant to remember, that, amid the crash of thrones in the days of revolution into which his life was protracted, a royal hand from the throne he had refused to shake, smoothened the old man's pillow; and, when all was over, and the last of the Stewarts had passed, amidst the vast conflicts of the time, unnoticed to his grave, the same hand placed a simple monument over his dust.

In 1743, France at last found it expedient to use the pretensions of the house of Stewart to accomplish one of her own objects—a descent on the British coast. It

would have been a really formidable attack had it taken place, for the troops, fifteen thousand, were to be headed by the great Marshal Saxe. England counted no leader fit to be balanced against this redoubted warrior, who afterwards showed, on the field of Fontenoy, how truly formidable was the announcement of a descent so led. But the elements were, as of old, true to Britain. The transport fleet, despatched in 1744, was partly broken up by storms—partly dispersed and captured by Sir John Norris. The French abandoned the expedition, and reserved their energies for the more hopeful field of the old battle grounds in Germany and Flanders.

The arrangements of the exiled court, then at Rome, were made with a view to this expedition. Cardinal Tencin desired the presence of the young Prince in Paris, whither he started, after procuring from his father several important state documents addressed to his deluded subjects, which afterwards appeared on the market-crosses of the Scottish towns. To pass to France was a difficult and perilous undertaking, for the British ships swarmed in the Mediterranean, and the political division of the Continent made a land journey equally precarious. He furtively disappeared from his father's court on the plea of a hunting expedition; and passing by sea from Savona to Antibes, reached Paris on the 20th of January. With a high heart, he actually set sail in the same vessel with Marshal Saxe. He may have seen that renowned English fleet which he dreamed that one day he was to call his own; but now it stood enviously between him and his destiny, and compelled him to return to the soil of France, there to learn that the project was abandoned by his selfish allies. It was not consistent with the policy of the French court, while thus using him for its own purposes, to receive him as a Prince. He had therefore in Paris to conceal his rank, and live under disguise. He was the centre, of course, of a little nest

of intriguers—British and French; and Helvetius said that, while he believed King George to be the rightful king of England, and indeed the only rightful king in Europe since he reigned by consent of the people, yet he was so fascinated by the attentions of the young Prince, as to serve him in his intrigues.

Finding all attempts to move the French government to a new expedition hopeless, he resolved to act unaided; and, against the advice of his most steady followers both in Scotland and in France, collecting such resources as he could privately command, to throw himself upon the Highland coast.

He had received some conditional promises from his friends in Scotland, who, when Walpole was driven into a war with Spain, hoped that a juncture favourable to their cause was likely to grow out of it; and were inspired by still more sanguine hopes, when, for the unpopular object of serving the interests of Hanover, the court entered keenly into the dispute of the Austrian succession. In 1740, seven of the most zealous Jacobites in Scotland entered into a bond or combination to assist in the restoration of the house of Stewart on the first favourable opportunity. In 1742, they sent an ambassador, Drummond of Balhaldie, with an account of the strength of the party in Scotland, and a commission to represent their views and wishes, both to James Stewart and Cardinal Fleury. John Murray of Broughton, infamous as the betrayer of the fellow-insurrectionists whom he had been a main instrument in helping on with their design, appears to have taken the management of the arrangements into his skilful hands; and what is now known regarding them, is chiefly to be found in his evidence against Lovat. He professed that he endeavoured to dissuade the Prince from his rash project; but the testimony of his more honest colleagues charges him with having used his abilities and his influence over the

Prince to urge him on to the undertaking. When he had resolved to sail, Murray was sent to intimate the event to the Scottish Jacobites. Those even who had joined the combination, were, however, appalled by the news. The conditions under which they had proposed to act, were an auxiliary force sent to Scotland, with a general invasion of England by 20,000 French troops. It was too late to stop the Prince, who had embarked before they received the unwelcome intelligence; but Murray was sent to the West Highlands to watch his arrival, and warn him to return—a function which he had no opportunity of performing, as he himself returned to the south ere the Prince arrived.

The Prince succeeded in borrowing about a hundred and eighty thousand livres—a sum between seven and eight thousand pounds. His departure, under such conditions, was naturally contrary to the parental wish. He craved pardon of his Majesty for this one act of disobedience towards his divine right, and he wrote a letter to "the King"—a poor model of English composition, yet bearing its own peculiar rhetorical decorations of a not unpleasing kind, from the impulsive animal spirits and high aspirations of the young writer. The blow, he said, was struck, and could not be recalled. In the spirit of classical declamation, he protested that he was to stand out while one man stood by him, and that he was resolved either to conquer or die,—a resolution to which, if it was ever intended for more than a rhetorical decoration, he did not adhere.

He seemed fortunate in securing the co-operation of a privateer vessel, the Elizabeth, commissioned to cruise in the Scottish seas—the property apparently of British refugees. He accompanied this vessel in a small armed fast-sailing brig, named the Doutelle. The arms which his small funds enabled him to embark, amounted to 1500 firelocks, and 1800 broadswords; but he was

destined to land only a small portion of them in his kingdom. After many difficult and complicated arrangements, he embarked, on the 22d of June,* at St Nizaire, on the Loire, with his little knot of followers. These numbered seven,—the titular Duke of Athole, commonly known as Tullibardine, from the title enjoyed by him when he was implicated in the previous Rebellion; Æneas MacDonald, brother of the Laird of Kinloch-Moidart; Sir Thomas Sheridan, the Prince's Irish tutor; Sir John MacDonald; O'Sullivan, an Irish refugee; Mr Kelly, an English clergyman, involved in the affair of Atterbury; and Francis Strickland, an English Jacobite squire. The voyage was a tedious and of course an anxious one. On the 9th of July, the two vessels were sighted near the Lizard Point by the Lion man-of-war, under Captain Brett, a tried commander. He of course at once gave battle, though against great inequality of metal, for he had but fifty-eight guns, while the larger Frenchman carried sixty-seven. After a tough fight, both vessels required to return to home ports. The Doutelle took immediate advantage of her sailing powers, and got clear. It has been said by an eye-witness—a very partial one—that the young Prince eagerly desired that the Doutelle might join in the fight, and could only be silenced by the captain exerting his authority.† Before reaching the western coast, the little party made a second sharp escape. It was on the 23d, that they landed at the remote Island of Eriskay, between Barra and South Uist.

Spots more dreary or dishcartening than these small western isles, it seldom falls to the lot of man to see.

* Second of July in modern style.

† Sir Æneas MacDonald's Narrative—Jacobite Memoirs, p. 8. According to this account, the English vessel must have been the first to depart, as it appears that the Doutelle sailed round the Elizabeth, so that the two commanders conferred together on their next course. The commander of the Elizabeth desired to proceed; but the other recommended him to put back.

In the rare days of sunshine enjoyed in this rocky archipelago, part of the desolation is softened on the stony ridges and on the covering of brown turf interspersed with tufts of sickly-looking rank grass, scarcely animated by the hovels of stone and turf which rise like so many funguses natural to such a soil. But the first few hours after the Prince's landing, were passed in drizzling, drenching rain, and the whole party had to seek refuge in the house of the tacksman or chief man of the district. It was larger than the hovels of the common people, but enjoyed their common peculiarity of retaining the peat smoke circling through it as a phenomenon necessary to warmth. Occasionally gasping for breath within, he refreshed himself by standing outside in the drizzling rain.* So passed hour after hour, without the approach of a visitor, or any other incident to vary the scene. One in such utter contrast with sunny Italy and her smokeless marble mansions, it would be scarcely possible to conceive; and in that relying fatalism that led him on, we must find the resources which made the Prince contented, good humoured, and hopeful, in the Eriskay hovel.

Matters did not cheer up as time passed. Some of the neighbouring gentlemen were sent for, but did not appear: they were accidentally from home, or suspected something in the nature of the message—for purposeless strangers were not accustomed to land at Eriskay. The first person who obeyed the summons was Alexander MacDonald of Boisdale, brother of the chief of Clanranald. He at once frankly condemned the project as impracticable, and advised an immediate return. The Prince answered with that hopeful fatalism which was

* Angus MacDonald, the owner of the house, grumbled out (in Gaelic, it is to be presumed), "What a plague is the matter with that fellow, that he can neither sit nor stand still, and neither keep within nor without doors."—*Jacobite Memoirs*, p. 11.

proof against all such petty discouragements, that he would rely on the fidelity of his Highlanders. He was desired to mention any chiefs of note whom he believed to be in his interest. He named Sir Alexander MacDonald of Sleat, and the Laird of MacLeod, the two chiefs who reigned in Skye; but Boisdale, with something like a sneer, assured him that, to his certain knowledge, if these potentates acted, it would be on the other side. But in MacDonald's instance it was easily ascertainable; he was near at hand, and might be sent for.

The residence in the tacksman's house had been rendered necessary by an appearance of suspicious sails. After a time it was deemed safe to return to the more comfortable quarters in the Doutelle, and steer for the mainland of the Highlands. If not more congenial to one reared under an Italian sky, the coast now approached by the wanderer was at least more sublime than the remote isle he had first touched. It was one of those deep-sea lochs which cut the western coast of Inverness-shire like the fiords of Norway, the sea winding into the folds of great mountains, and often seeming like a fresh-water lake, surrounded everywhere by their steep sides, and cut away by them from communication with the world. He first anchored off the mainland in a small loch called Na Nuagh, to the north of the large promontory of Ardnamurchan. He was near the garrison of Fort-William. By ascending a branch loch joining Loch Lynnhe, troops were within some ten or twelve miles of the spot, and could cross to it easily by a mountain pass. The Prince was told of this, but he relied on destiny, not information; so he smiled, and said it was of no moment. He had not yet enlisted a single man—had no more following than the seven originally brought over, yet he was as confident as when afterwards he glittered in Holyrood Palace. Even on Boisdale, who accompanied him, he continued to pour his eloquence in

vain. The obdurate Highlander at last took boat and left him baffled in his first attempt to win a follower. The next was scarcely more promising. On the deck of the Doutelle, in an awning, with a becoming repast spread beneath it, he received young Clanranald himself, believed to be thoroughly devoted to him. Yet this reputed Jacobite professed himself bluntly against the project as preposterous, and he was joined by his influential friend MacDonald of Kinloch-Moidart, then present. The Prince appears to have been entirely undisturbed by their unremitting catalogue of objections. He talked to them with the fluent confidence of one who was entitled to success, and who chose that they should not deprive themselves of the privilege of partaking in it, rather than as one who pleaded for their aid to support a cause which might otherwise fail. He was in the end successful with them, as those who speak from such confident promptings sometimes are. Home tells a little story about the removal of their last scruples, which, if there be any truth in it, is an illustration of the influence of this confident princely manner. A brother of Kinloch-Moidart, Ranald MacDonald, stood by, fully equipped, as the Prince and the two Highland gentlemen walked up and down the pavilion. As he confidently exhorted, and they hesitated, Ranald showed, by his shifting colour and glistening eyes, the intense interest he felt. The Prince turned to him, as if by way of reproach, saying, "Will you not assist me?" He received an immediate offer of entire devotion, and the deep enthusiasm with which it was pronounced is said to have dissipated the last scruples of the hitherto dubious chiefs.

This was but the acquisition of two men, with a considerable district of mountain possession, and a few hundreds of armed followers; but it proved afterwards to be the unseen inoculation of the Highlands with a moral epidemic. The Prince was in the meantime an object of

mysterious interest to the people who obtained access to him. He had, during the voyage, personified a student of the Scots College at Douay; now he was an English clergyman. He was described by one who then saw him as "a tall youth of a most agreeable aspect, dressed in a plain black coat, a plain shirt, a cambric stock fixed with a plain silver buckle, a plain hat with a canvas string, one end of which was fixed to one of his coat buttons, black stockings, and brass buckles at his shoes." The narrator, who took this minute pen-and-ink sketch of the mysterious stranger, tells how he felt his heart swell to his throat at the first appearance of the pleasing youth, even when informed that he was only an English clergyman desirous of speaking and conversing with the Highlanders. The incident has been cited as an instance of the immediate unconscious influence of that "divinity that doth hedge a king." But the narrator, who calls himself an officer in the Highland army, was prepared, by many mysterious hints, to cast his eyes on the descendant of a hundred kings; and had they rested on a chubby-cheeked English youth, instead of the pale, pensive, flaxen-haired Charles Edward, his heart would probably have responded in a similar manner to his emotions.

The Prince landed in the Clanranald country, and the chief set a portion of his men about him as a body guard. An attempt was now made to gain over MacDonald of Sleat, and the Laird of MacLeod, but these chiefs were still obdurate. It was their good fortune, as the first appealed to, to have taken up this position, for they were perseveringly kept to it by President Forbes, who, learning their prudent decision, thought that no exertion should be spared in supporting it. Had they been appealed to in the flush of the Prince's rising fortunes, they might have been less circumspect; and so these two island potentates, in the midst of the ruin of their neighbours and relations, handed their estates over to their

descendants, who retained them for a century, and until they were doomed to part with them, from causes of a totally different social character, long after Jacobite insurrections were a thing of history.

The obduracy of these powerful chiefs had its disheartening influence on the two Highlanders who had reluctantly given in their adherence. Even the seven original followers of the Prince, chilled by the physical and moral coldness of everything around them, grew disheartened. Of all the little cluster nestling beneath the grim mountains of Borodale, the Prince alone was full of heart and hope, for he had yet seen nothing to make him doubt his destiny or believe that his star had deserted him. The first of the long-expected gleams of hope that came was a visit from Donald Cameron, generally called young Lochiel. He was a man in middle age; but, the grandson of that chief whose name occurs in Dundee's Highland campaign, he belonged to a race of protracted livers. Yet even he, though an old adherent, came to recommend an abandonment of the enterprise. In his way he called on his brother, John Cameron of Fassfern, desiring his advice. John coincided in his disapproval of the enterprise; but he recommended him not to wait on the Prince with his unwelcome advice, for he would certainly be seduced to desert this prudent line by the blandishments of a child of the throne.

It is said to have been on this interview that the question of insurrection or no insurrection depended.* Home has preserved a dramatic account of the interview, in which after many vain arguments on the practicability of the undertaking, the chief impulsively throws himself into the cause on a dexterous appeal to his

* "It is a point agreed among the Highlanders, that if Lochiel had persisted in his refusal to take arms, the other chiefs would not have joined the standard without him, and the spark of rebellion must have instantly expired."—*Home's History of the Rebellion*, chap. ii.

honour and loyalty. But other accounts say that he did not so fatally compromise his character for prudence, and that he actually "took caution," as it is termed in Scotland, for his estate, or required that the Prince should find security to refund to him any patrimonial sacrifice which his implication in the rebellion might occasion, while, before he was committed in arms, he required from Glengarry a written promise to bring out his MacDonalds. The curious device of taking security was followed by another potentate, Cluny MacPherson.* Written bonds and obligations of maintenance, support, or clientage, were long a favourite method of conducting political operations in Scotland, especially those of a dangerous kind. Among the Highlanders they were known, in various forms, to a period comparatively late. In a pecuniary shape these chiefs had little to lose; but that little they were determined to protect as well as they could. Such was the unpromising commencement of the expedition—the two chiefs earliest appealed to distinctly hostile—another, driving a hard bargain for his concurrence.

The insurrection being thus virtually began, messen-

* In the "Jacobite Memoirs," edited by Mr Chambers, p. 22, there is the following letter from the nonjuring Bishop Forbes:—

"Leith, Thursday, April 9, 1752.—Alexander MacDonell, younger of Glengary, did me the honour to dine with me. * * * In the course of conversation, I told young Glengary that I had oftener than once heard the Viscountess Dowager of Strathallan tell that Lochiel, junior, had refused to raise a man, or to make any appearance, till the Prince should give him security for the full value of his estate, in the event of the attempt proving abortive. To this young Glengary answered, that it was fact, and that the Prince himself (after returning to France) had frankly told him as much, assigning this as the weighty reason why he, the Prince, had shown so much zeal in providing young Lochiel (preferably to all others) in a regiment. 'For,' said the Prince, 'I must do the best I can, in my present circumstances, to keep my word to Lochiel.' Young Glengary told me, moreover, that Lochiel, junior (the above bargain with the Prince notwithstanding), insisted upon another condition before he would join in the attempt, which was, that Glengary, senior, should give it under his hand, to raise his clan, and join the Prince. Accordingly, Glengary, senior, when applied to upon the subject, did actually give it under his hand, that his clan should rise under his own

gers were sent across the mountains to the heads of the various clans expected to co-operate, while the adventurer sailed towards the house of Kinloch-Moidart where he was joined by Murray his secretary, and thence went to Glenaladale, where he received a recruit of a different kind in old Gordon of Glenbucket, whose last service to the cause had been in vain efforts to prevail on Mar to defend Perth, in 1716. It was arranged that the general gathering should be concentrated at Glenfinnan, a narrow valley running from the western extremity of Loch Eil to the Atlantic. The 19th of August was the day fixed for the momentous ceremony; but the Prince's faith in his destiny was again tried, for when he arrived the glen was silent and deserted, save by the ragged children of the hamlet, who glared with wondering eyes on the mysterious strangers. After some hours thus spent, the welcome sound of a distant bagpipe was heard, and the Camerons, between seven and eight hundred strong, appeared on the sky line of the hill. Before the group dispersed in the evening, the number assembled amounted to 1,500 men.* The post of honour on the

second son, as Colonel, and MacDonell of Lochgary, as Lieutenant-Colonel. Then, indeed, young Lochiel was gratified in all his demands, and did instantly raise his clan.

"Glengary, junior, likewise assured me, that Cluny MacPherson, junior, made the same agreement with the Prince, before he would join the attempt with his following, as young Lochiel had done, viz., to have security from the Prince for the full value of his estate, lest the expedition should prove unsuccessful, which the Prince accordingly consented unto, and gave security to said Cluny MacPherson, junior, for the full value of his estate. Young Glengary declared, that he had this from young Cluny MacPherson's own mouth, as a weighty reason why he, Cluny, would not part with the money which the Prince had committed to his care and keeping."

* See the picturesque description of the scene in "Chambers's Rebellion," last edition, p. 42. It is almost needless to say that every one entering on the subject of the '45, must be indebted to this interesting work. There may be differences of opinion as to the views which its author takes of events, but there can be none as to the interest and value of the book. A quarter of a century has now elapsed since it was published. Appearing when there was a kind of theoretical re-action of Jacobite feeling, it fortu-

occasion was given to the old Marquis of Tullibardine, who, like his young master, had come to regain his own. He was heir to the dukedom of Athole, which he forfeited after the affair of 1715; and his persevering connection with every subsequent Jacobite design, rendered his restoration hopeless had he desired it. His father had adopted, at least nominally, the Hanover succession, and as it was of moment to buy the allegiance of a house that could bring 1,500 men into the field, the forfeiture was limited to the eldest son, and the second became Duke of Athole. As the old man, supported by two assistants, held the standard, various state papers were proclaimed. The first was a declaration, in the name of James VIII., dated at Rome on the 23d of December 1743, and promising a redress of the grievances under which the nation groaned from the rule of the usurper. This was followed by a commission to Charles as Prince Regent. In this capacity the Prince next proclaimed an indemnity for all past treasons committed against his house by those who should now take arms to restore him, while he engaged to retain in their several offices those who thenceforth performed their functions in his name, and to pay up arrears to officers of the army and navy joining his banner.

Not only these proclamations, but the principal official documents issued from time to time by the Prince, throughout his enterprise, were skilfully adjusted to the conditions of the constitution and the prevalent national opinions in Scotland. They could not have derived these qualities from the old exiled adherents of the cause, whose ideas of government were the original principles of divine right, encrusted and shaped into practical

nately was in time to catch and embody the lingering testimony to the events of the Rebellion, by aged persons then alive. It thus possesses, in some degree, the merit of contemporary narrative, and preserves much that a writer of a few years later would in vain have sought after.

adaptation from the habits of the old despotic courts where they had lived so long. The judicious tone of these documents must be attributed to the tact and sagacity of Murray of Broughton. The declaration was, in a great measure, an echo of Lord Belhaven's celebrated Union speech, describing in their consummation the calamities there prophetically anticipated; and a fitter text could not have been chosen, since the Scots were naturally accustomed to linger on the emphatic sentences of that great oration as a prophecy which, like that of the Trojan priest immortalised in verse and sculpture, had been unheeded by a sanguine people.

The Union was the only great constitutional measure emphatically denounced, while the oppressions and exactions to which it had subjected the Scottish people—especially the offensive malt-tax—were to be removed. The settlement of religion and other national institutions was to be held sacred. To deal with constitutional parliamentary authority, required much tact. The old notions of divine right must be abandoned, for, in the Lowlands, the chief sympathy with the Stewarts went in the direction of the revival of lost freedom. At the same time, it was not to be forgotten that it was a free Scottish Parliament that had dismissed the Stewarts, whose right divine the motives of the present expedition placed above the power of parliaments to alter or control. It was possible, however, to reserve the absolute power of the monarch untouched behind profuse promises about free parliaments, even without any departure from received constitutional language. The parliament should immediately assemble, and should be in its constitution full and free, without influence or bribery; but advice only was to be its function. To that advice the monarch was to listen, with friendly kindness, as the father of his people. But if the phraseology of these documents is examined, it is found that the royal prerogative, as the embodiment of

legislative power, is carefully, though not offensively or conspicuously, reserved.

The spot adopted for the gathering was easily accessible to all the garrisons of the Highland forts. It was not above twenty miles distant from Fort-William, and almost visible from the ramparts. But when a general gathering in force was intended, the presence of the forts —well adapted, as they were, to keep down petty attempts—was no impediment to it. At the same time, the garrisons were found inefficient for that service on which the government placed so much reliance—conveying anticipatory warnings of any coming outbreak. Though able to suppress partial outrages, they were utterly incompetent to fathom the secret operations of their subtle neighbours. From their condition, as an unarmed and docile peasantry, the Highlanders at once metamorphosed themselves into an army; and none were more taken by surprise in this rapid operation, than those who, quartered in the centre of their district, believed that they were acquainted with all their motions and intentions. In fact, it was not until a skirmish occurred on the road between two of the forts, that their commanders appear to have known that they were in the midst of a gathering army. It had been thought expedient to reinforce the garrison of Fort-William with two small companies from Perth. After having halted at Fort-Augustus, they had proceeded about twenty miles along General Wade's road, when a party of Highlanders were seen in possession of the bridge over the Spean, called by the English engineers who built it, "High Bridge." The party, to whom the phenomenon was totally unexpected, were unable to estimate the numbers in possession of the bridge, who were indeed only some ten or twelve MacDonalds. The commander thought it prudent to draw back his men, who were raw recruits; but it was too late, he had brought them into the midst

of the gathering. The MacDonalds scrambling along the steep wooded bank rising from the road, galled the party with their firing as it retreated. Seeing another body approaching in front, the commander turned to find cover in Invergarry Castle; but here he was rushing into the lion's mouth, for its owner, Glengarry, confronted him with his gathering, and the commander was compelled to surrender.

The government were totally unprepared for the rising, though they had not been without warnings. Ever since the threatened invasion, there had been vague rumours of some possible rising among the Highlanders; but the British public had been accustomed to this kind of excitement almost unceasingly from the Revolution downwards. The official people, who felt a responsibility for the peace of the country, received from time to time information which made them uneasy; and the correspondence of the day shows that, whatever was believed in England, those chiefly in charge in Scotland felt extreme anxiety when they contemplated the defenceless state of the country.* Though their information evidently prepared them for some event, the shape in which it was consummated appears to have taken them by surprise. On the 2d of August, Duncan Forbes wrote to Mr Pelham, saying, that, in the midst of profound tranquillity, Edinburgh was alarmed by a rumour of the approach of the Pretender's son. He did not believe it; but where so much was at stake, there could not be too great caution, and he intended to go northwards earlier than usual and give assistance, should it be needed.† It was ten days before this date that the arrival of the prince was known

* The author had an opportunity of particularly observing the character of this official anxiety in the confidential correspondence of the lord-advocate of the day,—Robert Craigie of Glendoick,—which he was kindly permitted to peruse by the late William Bell, Writer to the Signet.

† Culloden Papers, p. 203.

to the chiefs of Skye. Though inimical to his undertaking, they were not immediately prepared to act against it; but, on the 3d, MacLeod wrote to his friend the Lord President, explaining all that had occurred, and predicting, that after the reception given by MacDonald and himself to the Prince's proposals, no man north of the Grampians would be foolish enough to rise.

This letter came close on information obtained through the distant retainers of the Argyle family, and on the 9th of August, the arrival of the young Pretender had to be treated in Edinburgh as a fact. The arrangements adopted were a too tardy application of the policy of Forbes, who knew the character of the Highlanders better than any other statesman of the day. He wished to serve the government, and at the same time obviate criminality and bloodshed. He thought the best method of accomplishing this was to act instantly—to strike an insurrectionary force before it had formidably increased, and so stand between the wavering and temptation. He knew well the inducements which his Highland neighbours had to join a cause which held out to them the chance of passing from idle, poor, uncomfortable country gentlemen, to the condition of military leaders—it was all the difference between half-pay and active service to the ambitious soldier. He knew how ill many of those who otherwise might have remained loyal could resist this temptation, and he deemed it the true policy to remove it. Had the government pounced with a superior force on the gathering at Glenfinnan, his policy would have been carried out; but the insurrectionary call had swept the Highlands, and brought together an army, before the machinery of suppression was set in motion. The few troops in Scotland were under the command of a respectable disciplinarian named Sir John Cope, who, instead of passing to oblivion with the crowd of well connected men who have risen in their order, and earned the title of distinguished

officer on their tombstones by parade discipline and attention to regimental etiquette, was destined by his ludicrous failure in an emergency to a wide but unenvied notoriety. The whole force in Scotland appears to have been between two and three thousand men, though they were ranked as two regiments of drágoons, two of ordinary foot, and fourteen odd companies. While a portion occupied the Highland forts, the remainder were dispersed through various parts of the Lowlands. When Cope prepared to march northwards, he had but 1,400 men at his command, for the dragoons were left behind. To penetrate with such a force a mountain district inhabited by a large body of hostile armed men, seemed a project bordering on insanity; but the vain expectation was entertained, that the well affected clans would flock to his standard.

Cope, in fact, was impatient to march and win laurels by the immediate suppression of the revolt. It was not, however, until the 20th of August that he left Stirling on his march northwards. He had only reached Crieff when he found that he was mistaken in his anticipated auxiliaries. He there met the Duke of Athole, and Lord Glenorchy the son of Lord Breadalbane. Neither of them could promise effectual aid. Whether Athole could have brought out any considerable body of his clan was, indeed, doubtful, for he was deemed a usurper like his king, and probably believed that the clan would follow their old favourite his brother. Cope reached Dalnacardoch, in the solitudes of Drumouchter, on the 25th. Here he obtained information of the quick increase of the enemy from Captain Sweetenham, who, passing alone on the road to Fort-William, had been the first captive made by those who were gathering towards the Prince's army, and had been dismissed with one of the manifestos. At Dalwhinnie the road forks, the left branch taking the zig-zag route over the great mountain

chain of Corriaraic, the other less abruptly winding onward to Inverness. It was known that if the ascent of Corriaraic were attempted, the Highlanders would be met there, and the war begun. Cope belonged to a crop of military pedants created by the minute and complicated manual exercise of the age, whose misfortune it was to despise enemies who had not been under the same training. He thought his men were as much above the Highlanders in battle as they unquestionably were on parade. The incapacity to meet an enemy in its own way was then a palpable defect in the English army, of which a few years later there was a memorable instance when the gallant Bradock and his party were cut off by an Indian ambuscade in Canada. A higher point in military training capacitates the civilised soldier to meet and discomfit the savage in his own warfare, instead of being disturbed out of the routine of a specific discipline by unexpected movements. This was a grade in military science which the British army had not then reached. Yet the military martinets were quite unaware of their inferiority, and ever relied on the overwhelming superiority of trained troops over what they called an undisciplined rabble. The present juncture was certainly a potent test of such reliance. Corriaraic, with its zig-zags, its occasional chasms, a rapid stream to be crossed on the way up, and worst of all, nine miles of ascent, affording a perpetual choice of the superior ground to the nimble mountaineers, made this a still more valuable pass for defence by a Highland army than Killiecrankie. Had Cope attempted the ascent, it would have shown bad management in the Highlanders to have permitted one man to escape.

With all his confidence, he paused in the deep valley below the mountain, and hesitated to fight a superior force on such ground. A council of war was held, where a retreat to Perth or Stirling was discussed. This, were

it within the commission of the commander, was now, doubtless, his true policy, since it might enable him to re-act the services of Argyle, and protect the south country from invasion, until forces were obtained to break the insurrection. It was said that the rebels, sweeping round by Glen Roy, might get between the army and the south country, and thus intercept the retreat; but this view was reproachful to the marching capacities of the troops, since they had the straight line, while their enemies must make a circuit. The plan adopted was a march to Inverness. A more preposterous military movement was perhaps never made. The troops went to a place where there was no enemy, and left the valuable low country of Scotland unguarded.

The Prince's army amounted to about 1,800 men when he reached Corriaraic. The coll, or summit of the pass, was immediately occupied by an advanced detachment, to hold it until the main body came up. It is said that the Highlanders uttered shouts of exultation when they learned the evasion of Cope. Yet it was the escape of an enemy certain if he ascended the hill, to fall into their hands. The question with them was, whether to pursue him, or march to the low country; and they sagaciously took the latter course.

The army, which had begun its march with auguries of success, swelled as it went, receiving Cluny MacPherson and some minor allies. The Duke of Athole fled from his castle at Blair, and it was immediately occupied by Tullibardine, who assumed the title of the head of the house. He issued his commands to the feudatories and tenantry of the estates to rally round his banner; and when many of them, who were too near the Lowlands to preserve in its purity the creed of old Highland allegiance, demurred to leave their small feus and crofts, with the chance of never returning to them, the new Duke threatened them with vengeance for their unnatural

disobedience, and directed that military parties might be sent to bring them out, or burn and destroy their houses if they proved obstinate.*

On the 4th of September the insurgent army entered Perth, of which they obtained undisputed possession, the chief magistrate retiring from the scene. The Prince occupied the house of Lord Stormont, the elder brother of the rising barrister, William Murray. The family had compromised themselves by acts of partiality to the exiled house, in a manner that enabled Chatham to make his great rival, Mansfield, wince under ominous allusions. But on the present occasion the head of the house prudently absented himself, limiting his services to a hospitable provision for the stranger's entertainment.

The Prince now entered on a totally new field, which his character and attainments appear to have well adapted him to occupy. They were, at all events, very different from those which his father had shown on the same spot nearly thirty years earlier. The blood of Sobieski seems to have warmed in him the frigid temperament of the later Stewarts. He was as remarkable for geniality, condescension, and love of popularity, as his father had been for arid reserve and sluggish passiveness. His popular affability, and partiality for the display of his agreeable person, were more like the characteristics of his father's cousin Monmouth, than those of the legitimate Stewarts. An object, of course, of intense interest wherever he went, the sight-seers, who are the majority of mankind, thronged around him. They were highly gratified by his condescension and brilliant appearance, and his foreign education naturally induced him to mistake the

* See many instances in the "Jacobite Correspondence of the Athole Family." One emissary says—"I went to Dunkeld, but to no purpose, for I plainly see that the whole inhabitants there are quite degenerate from their ancestors, and not one spark of loyalty among them, and, as the bearer can inform your Grace, not one of them will stir without force."—p. 16.

excitement of curiosity, and the superficial satisfaction diffused through a crowd by the contemplation of an agreeable object, for those deeper feelings which, in this country, supply men with the sources of political action. There was a curious and attractive spectacle in so large and well-disciplined a body of the parti-coloured mountaineers. It was still more interesting to see the foreign descendant of the ancient kings decorating his person with the mountain garb, so adjusted to the ordinary costume of high rank and decorated with gold lace as it had never before been known to be. But such dramatic superficialities were not calculated to secure the allegiance of the sagacious Scottish Lowlanders. Deeply as they might be dissatisfied with England, it was not in the dubious elements of this gaudy apparition of the foreign popish Prince and his mountain followers, that they were disposed to seek the sources of national regeneration and prosperity. Amid the general clamour and excitement, the men of the Lowlands able to bear arms held doggedly aloof, and the Prince seems never to have had above a thousand of them under his banner. Thus the continued accumulation of his army from the waysides, as he passed along, ceased after he had crossed the Grampians, though still accessions continued to arrive from the Highland clans.

It is said that the Prince had just a guinea in his pocket when he entered Perth. He, of course, speedily obtained an exchequer by levying contributions around. The sum which he drew from Perth was not oppressively large,—it did not exceed L.500. Among the other leaders who joined him at Perth, two were conspicuous men. The one was Drummond, the representative of the Lord Chancellor who was exiled at the Revolution; the other, Lord George Murray, brother of the two assertors of the dukedom of Athole. Lord George was the ablest leader in that expedition; and he is evidently

a man whose capacity has scarcely received historical justice. He was forty years old when he joined the insurrection. His associates were people among whom one possessing his sense and talent was not to be naturally found; but his position was made for him by obdurate circumstances. The member of an exiled family, brought up abroad, he had no place among his fellow-countrymen, unless he underwent the political apostasy at which the spirit of generous men revolts even after their reason has satisfied them of its soundness. Holding by his hopeless party, it became naturally his function to do his best to organise the expedition in which it had perilled itself. He performed his functions with much ability, but not with the hearty zeal of one who feels himself pursuing the course of duty towards a successful end; and he found that his steady, unpretending, but very valuable labours, were sadly unappreciated among his fellows in that impulsive, sanguine, and ignorant host.

It is difficult to understand how he acquired his knowledge of military tactics. Perhaps it was the merely fragmentary character of his training in the pedantic science of his day, allied to his natural sagacity and persevering attention to what he saw around him, that made him so admirable an organiser of the Highlanders. He addressed himself to the arrangement of their commissariat, studying the habits of the men. Thus he provided meal-pocks for carrying their frugal provisions, while he adjusted an organisation for their movements in clan battalions, such as Dundee had adopted in his short Highland campaign. Lord George's capacity in suggestion, and activity in execution, made him for some time the virtual commander-in-chief of the force, though he only held, along with Drummond, the rank of lieutenant-general. It is scarcely possible to avoid jealousies and misunderstandings, when the only one capable of entire leadership shares the command of an army with

others who are incapable. Yet it may be questioned if the chiefs would, in their proud jealousy, have submitted to any other general command but that of the Prince, unless he had brought with him some renowned general not connected with Scotland.

The army remained at Perth increasing its force and coming into its peculiar discipline, until the 11th of September, when the march southward was recommenced. Instead of attempting the passage of the Firth of Forth, or of Stirling Bridge commanded by the castle, it took the direction of the fords of Frew, eight miles westward. This was the Rubicon of the expedition, marking it as a struggle for possession of the seat of government in Scotland. Passing Callander House, near Falkirk, the Prince received his first conspicuous Lowland accession in Lord Kilmarnock, whose presence was of little service to the cause, and calamitous to himself. He fought under his father's banner for the Hanover succession in 1715, but he was one of those whom poverty and discontent had driven desperate; and the young Prince, with his motley army, opened a career of adventures and chances not to be resisted. On the 17th the army reached Corstorphine, four miles from Edinburgh, and it became an immediate question whether the capital was to remain a loyal city or be in the hands of the insurgents.

The inexplicable march of Cope left the country south of the Forth utterly helpless. Gardener's dragoons were ridiculed as having advanced to dispute the fords of Frew, and ignominiously retreated; but this trifling force, unless it had been led by a commander who desired to see it exterminated, could do nothing but watch the approach of the enemy, and fall back. Cope managed to send a messenger through the Highlands, for transports from Leith to receive his troops at Aberdeen; and the citizens of Edinburgh watched the direction of the wind with uneasy anxiety. Already, however, their confidence

in Cope's capacity and common sense had sunk, and he was an object of impatient contempt even before his great disaster.*

Nothing in the capital was in readiness to receive an enemy but the Castle. It was to the zealous attention of General Wade that government owed the tenable condition of this fortress, for he mentions that he found the parapet wall so ruinous that the soldiers, after the closing of the gates, could pass out and in with ease; and to try the accessibility of this, the chief national fortress, he got a party of men, with their accoutrements, to scramble from the street up the rock and get within the rampart, in five minutes.† The fortress had been repaired; but there were other defects in the defensibility of the capital which could not be thus easily remedied. The spirit of 1715 was gone. The habits of the country had, of course, rendered the people less expert in the use of arms; but the old zeal for Revolution principles and the Hanover succession, had been neutralised by the many national rebuffs and contumelies which Scotland had encountered from the central government of Britain. It has been fashionable to cast ridicule on the few brief unorganised efforts made on this occasion by the citizens, as if they combined a spirit of vain bravado with utter cowardice. But there is no doubt that the inhabitants of the Lowlands retained the courage of their ancestors, had the occasion rightly called it forth. What they lacked was zeal. Their passive allegiance remained with the Hanover succession; but it had ceased to be the hearty zealous advocacy, capable of dealing with an enemy like the Highlander. In Edinburgh, the ardour of the citizens was chiefly embarked in a long municipal

* "We are told in Edinburgh that the army from Aberdeen, which comes in barrel bulk, might sail on Friday, and be there in a day, if the wind be fair; or in a month, if it be blown to Norway."—*Provost Goldie of Dumfries; Carlisle in* 1745, p. 15.

† Letter to the King, 18th December, 1727, MS. Brit. Mus.

contest. It became the policy of the existing chief magistrate, named Stewart, to counteract that of the leader of the opposition, who was George Drummond, a zealous loyalist, and one of the most valuable among the many valuable municipal chiefs whom Edinburgh has possessed. Provost Stewart discountenanced, and even counteracted, the efforts made by the party of his rival to protect the city, and he incurred suspicions of disaffection which rendered it necessary to bring him to trial for neglect of duty. The real cause of his conduct appears to have been, however, not so much national as corporate factiousness, and a desire not so much to see a revolution on the throne, as to keep his own particular branch of the family of Stewart at the head of the Edinburgh municipality.

The state of Edinburgh at this nervous juncture, of which there is an abundant account in the long inquiries connected with the provost's trial, affords a curious picture of a community in the hour of danger distracted by internal contests, and destitute of any leading mind to grapple with the occasion. What they really required at the time were, some companies of regular infantry with a few gunners, or a volunteer force in good training and under a competent commander. The efforts to provide any equivalent to these requisites were sadly unavailing. The provost was no soldier: he was nominally the commander of the city guard, and of the trained-bands or old burghal force; but it was rather as the person who was to indicate, like a secretary at war, the manner of their employment, than as the leader who was to command on duty. He was to be colonel of the volunteer force if it were raised, in a similar character. When the provost could not effectually act the soldier, people looked equally ineffectually to the chief resident judge of the Court of Session, and to the law officers of the crown, as persons who were believed,

with their other high functions, to possess a latent military authority and capacity.

The provost appears from the commencement to have had a very ample consciousness of his incapacity to act effectively. Towards the end of August, the more zealous citizens had proposed to raise a thousand men as a volunteer corps, to be supported by subscription; but he doubted the constitutional legality of such a body. When this objection was overcome by an authority under the sign manual, he gave them little encouragement, and hinted that they would be the cause of more contemptuous jests than valiant deeds. When Drummond proposed the adoption of a badge, he said he feared it would expose them all; to which his zealous rival answered, that when the volunteers had mounted their badge no man should dare to insult it, be his character what it might.*

There was a marked zeal among the Seceders to help in the defence of the city, and they embodied 180 men

* As often happens in party accusations, the charges promulgated against the provost were more serious than those made out by the evidence in the trial. The following passages from the notes made by Lord-Advocate Craigie (*Glendoig Papers*, MS.) will show the nature of the accounts which the government had received about the provost's conduct:—

"Soon after the King's troops began to march northwards, the inhabitants of Edinburgh proposed to raise a fund for the maintenance of 1000 men for three months by the voluntary subscription of the well-affected citizens, the men to be employed in defence of the town. The provost said it was high treason to raise men without the King's warrant; and on the 28th of August, he met with the Lord-Advocate, the Lord Justice-Clerk, and the Lord Tinwall, to consider of this scheme, and it was agreed that the Lord-Advocate should apply for a warrant for that purpose.

"When the rebels took possession of Perth on the 3d and 4th of September, an association was formed at Edinburgh by the principal inhabitants, and a petition was presented to the provost and magistrates, praying leave to serve as volunteers, and that arms might be given them, and artillery procured for the defence of the city. This petition was signed by upwards of one hundred inhabitants; but as the provost did not call a council to consider of this petition, Mr Hamilton, the next magistrate, did, at the request of the subscribers, order a meeting of council to be called on the 7th of September, and insisted that the petition should be immediately considered. After the

of their own persuasion. The professors of the University, the clergy, and other men of peaceful pursuits, were among the most zealous, and the ministers of Edinburgh offered out of their stipends to provide the pay of 100 men. In all, it appears, that by the middle of September, the number of men available for defence, including contingents from neighbouring towns, was 1,118, besides the trained-bands, whom, however, it was deemed imprudent to embody, as they were burgesses not selected on political grounds, and there were disaffected men among them. In the body at large, there appear to have been only 326 trained soldiers, including the town guard.*

The main object of the loyal party was, of course, to make the city walls defensible. This ancient bulwark, even if it had not been commanded by suburban houses, was little better than a high stone fence of rough and frail masonry. It had been effective a century or two earlier in protecting the slumbering citizens from night incursions of the lawless barons with their predatory

petition was read, the provost said it was treasonable, and involved those who had taken the oaths to the government in perjury; and that, for his part, he would crush and discourage such an illegal scheme to the utmost of his power, etc. To this it was answered—If his lordship had any doubt as to the lawfulness of arming the inhabitants of Edinburgh at this time, it was proper to take the opinion of the King's Advocate and Solicitor-General; and accordingly the petition was laid before them by some members of the council, and they immediately gave this opinion—viz., That as there is now actual rebellion in the country, and the rebels are in possession of Perth, we are of opinion that it is lawful for the magistrates to authorise the subscribers and other well-affected inhabitants to take up arms in defence of the city, and in support of the government. When this opinion was carried back to the council, which continued sitting, the provost still insisted on the objection, 'that it was treason to take up arms without the King's leave, and that the crown lawyers had avoided answering that objection, which, he said, only could be done by their giving it as their opinion that it was not treason.' For this purpose another messenger was sent to the Lord-Advocate and Solicitor, who added to their former opinion the following words, viz., 'And we are further of opinion, that it is lawful, and not treasonable, for the magistrates to comply with the desire of the petition.'"

* See Drummond's Evidence, St. Tr., xviii., p. 964.

followers, and in later times had been a barrier against smuggling. But it could have done little to keep a compact body of men from breaking through the enclosure, even though they had not a single field piece. There was too much truth in the provost's remark when he surveyed the wall, "that if a thousand men had a mind to get into this town, he did not see how he could hinder them."

The celebrated Colin MacLauren was supposed, from his acquaintance with mathematics, to know more about the Vauban system of fortification than any other citizen. Apparently not indisposed to act as the Archimedes of the siege, he was rather by acclamation than any regular commission, appointed superintending engineer of the defences. It does not appear that it would have been practicable to work artillery. On the screen or continuous wall it was avowedly impossible. There were, however, towers which might supply the purposes of flanking bastions at the angles. These appear to have been choked with rubbish; but when some of them were cleared out, it was found that they had no rampart sufficiently broad for serving guns, and temporary scaffolds were erected for the purpose. MacLauren complained that the men who should have been employed in restoring the fortifications, were engrossed by a contested election of trades' deacons; and that he found a dozen or two lounging about instead of the hundreds that should have been at work. The hopeful manner in which the operations went on, may be inferred from a characteristic incident,—that a ditch, ordered to be cut beside the North Loch, in the area of the present Princes Street Gardens, "had been carried on right for some time, but was afterwards, by some mistake or bad advice, cast on the wrong side of the dike."* Some cannon were

* MacLauren's Diary, cited in Stewart's Trial.—*State Trials*, xviii. 885.

brought up from Leith, and placed on the wall; but among the negligences attributed to the provost, was his not employing sailors to work them. He seems indeed to have thought that naval gunnery on the city walls was something peculiarly incongruous, and calculated to throw ridicule on his magistracy, for he swore very vehemently that no sailors should man the city wall while he ruled. Among other projects, on the discovery of some old hand-grenades in a box in the council-chamber, it was recommended that a portion of the volunteers should forthwith be trained in the exercise of grenade throwing. Some guns were, however, at last placed on the flanking towers, especially those which commanded the gates, and loaded with grape to rake the approaches; but it appears that some of them were left there without men who professed to work them, and even without a single sentinel. Such were the preparations in Edinburgh for standing a siege.

It was on Sunday the 15th, that the first call to arms was made in the most unpropitious of shapes. Edinburgh had from time to time been devastated with great fires, which, once seizing on any of the vast piled-up fabrics in the main streets, would go on devouring them for days, unquenchable until the flames reached a natural barrier by a break in the street. It was the toll of the same fire-bell which used to arouse them to these terrible visitations, that now reached the citizens assembled in their several churches at Divine worship. It was found to be a signal for a general muster on the news that the Highland army were near the city. The first question was, Who should command? for no field-officer had been appointed over the volunteers, and they acted in independent companies. Hamilton's dragoons were called up from Leith to join Gardener's at Corstorphine. It was now a question whether the volunteers, with these regiments, and the small number of regular troops al-

ready mentioned—an army of about 1,500—should go forth to fight the enemy, rumoured to be 8,000 strong. Any military commander, looking, not to the exaggerated rumours, but to the bare facts of the case, would have at once prohibited a movement by a body of raw new levies, had he even directed the dragoons to advance and reconnoitre. In the absence of a proper authority, a portion of the volunteers rashly proposed to march; and it appears to have been because they were in the end dissuaded from that insane movement, that a ludicrous picture has been drawn of their gradual dropping away and final disappearance from the marching party. The town-guard marched with Hamilton's dragoons to Corstorphine, where they joined Gardener's, and formed a reconnoitring party.

During that night the walls were manned by about 700 men, and the engineer records that the "all's well" made a nearly regular circuit, but no sufficient service seems to have been supplied to the guns at the flanking towers. Next day a writer to the signet, named Alves, brought from the Prince an intimation that his leniency to the town would depend on the abandonment of resistance. The formidable document circulated among groups at the cross, and a recommendation to surrender, probably suggested by the Jacobites, was supported by a considerable number of citizens. The dragoons had, in the meantime, retired close to the town. They sent a small reconnoitring party to Coltbridge, two miles westward, who, coming unexpectedly on a party of Highlanders, turned and fled with disgraceful precipitancy, bringing of course new terrors to the citizens who saw their flight. At four o'clock in the afternoon, the provost held a meeting of the inhabitants in the High Church, avowedly to consider the question of surrendering. It was called by the tolling of the fire-bell; and as this was the

method of assembling the volunteers for service, it was observed that they would be absent from the meeting, and the provost's enemies said that it was so planned. The meeting was tumultuous and noisy, and it is said that the only persons who attended with a distinct object were Jacobites. While a confused clatter of tongues went on, the cry of "surrender" predominating over others, there came to be handed about in the meeting, no one knew how, a formal proclamation for surrender from the Prince. This strengthened the hands and the clamour of those advocating a surrender. The provost chose to count it the decision of the meeting, that he should offer terms of capitulation, and he sent a deputation with that view to the Prince. The volunteers and the other corps, in the meantime, retired to their old posts, but the imperfect directions under which they had acted now ceased. They consulted together, and, seeing that the municipal authorities were determined to submit, the greater part of them resolved to disperse, and delivered their arms into the Castle. The deputation sent to treat returned with a demand of unconditional surrender.

In the meantime, a rumour came that Cope's transports were at Dunbar, and would presently land his army at Leith. On the foundation of the hopes so raised, another deputation was sent at two o'clock of the morning to ask delay, and returned unsuccessful. Nine hundred men were now detached from the Prince's army, under Lochiel, to blow up one of the gates, and force an entrance. The operation was unnecessary. A small party, stationed without the Canon-gate, beheld it deliberately opened to allow exit to the suburb for the hackney-coach which had conveyed the unsuccessful deputation, and, finding the gate entirely unprotected, they rushed in. The communication was thus opened. The guards at the gates were quietly re-

lieved by the Highlanders, and the city was in their hands.*

Next morning the Prince and the main body of the insurgents, guided behind the rising grounds which surmount Edinburgh so as to be covered from the guns of the Castle, reached the open meadows which bring the Palace of Holyrood close on a tract of mountain scenery on the one hand, while on the other it touches a dense suburb of the city. When the handsome and gaily-attired youth, whose progress hitherto had been a succession of bloodless triumphs, entered the palace untenanted by his race for sixty years, the believers in the divine continuation of royal genealogies might be excused if they saw their subtle creed confirmed by an almost miraculous interposition. Instantaneous arrangements were made for the proclamation of King James at the old Cross of Edinburgh. There the declaration and other documents which had been read at Glenfinnan and Perth, were for a third time proclaimed, with more heraldic splendour, to a larger crowd. The army remained three days in Edinburgh, enjoying rest and receiving recruits, when they were called to the memorable field of Prestonpans.

Cope's transports had reached Dunbar, and a debarkation began, which was not completed until the 18th. He was then joined by the grave Colonel Gardener, depressed at heart by the spiritless conduct of the dragoons whom he brought to increase the army. The camp was sought by a still less serviceable class, in the judges and other official men who had deserted Edinburgh. There seems generally something reprehensible in trusted public functionaries deserting their post; yet for these gentlemen it must be said, that, however available their pre-

* It was said that the provost managed to convey a hint about the opening of the gate to the Prince's camp; but the general carelessness is sufficient to account for the incident.

sence might have been in some internal and local convulsion, it must have been utterly useless to a capital in possession of an invading force.

Cope's army, marching westward, had reached the old village of Preston, when they learned, on the 21st, that the Prince was on his way to meet them. The ground seemed suitable, and the general resolved to abide an attack there. 'The character of the country, for a considerable distance along the coast, is, to one coming from the interior, first a moderate continuous ridge of hills, then a depression scarcely to be called a valley, and nearer the coast a slight and almost imperceptible re-ascent, which can scarcely be called a hill. It was on this lower line of eminences that Cope took up his position. Lord George Murray, fearing that his adversary would take the higher ridge, and knowing the importance which the Highlanders attributed to the superiority of ground, led them, after they had passed through Musselburgh, to the right, across the muir, where they reached a part of the upper ridge, well known in the earlier warlike history of Scotland as Carberry Hill. He soon came in sight of the enemy, and slanted down towards the village of Tranent, a strong post, from the steep and broken character of the ground. On the heights behind, the Highlanders were secure from attack. But it was found that they could not perform their usual formidable movement of rushing down upon the foe. Cope had the command of houses and enclosures, by which, if there were a deliberate advance to attack him, he might effectively fortify himself. But there was a more serious impediment in a morass, cut by a deep ditch, in the depression between his lower elevation and the higher eminence occupied by the Highlanders. The ground was accurately inspected from their side, but pronounced to be impassable, unless with the risk of a murderous fire. The aspect of the country has

undergone a mighty change since the two armies looked at each other. The morass has given place to rich grain fields, and a narrow rill which a child might leap across, alone remains to indicate that the waters descending from the opposing heights, would stagnate if they had not such a free egress.

The Highland army had been largely increased, since it crossed the Forth, by bands of the Grants and Mac-Lauchlans, and an additional body of the Athole men, at last forced unwillingly to declare for the insurgents. The army now numbered about 3,000 men. Of these, however, many were wretched stragglers in rags, with no better arms than a scythe, or any other available edge-tool. Cope's army numbered little more than 2,000 men, and this small body included a few not very serviceable volunteers.* The dragoons were posted on either wing,—Hamilton's on the right, and Gardener's on the left. The foot were formed in two lines. The army faced towards the morass and the rising ground where the Highlanders first appeared, and its left was towards the quarter whence it was subsequently attacked. Unsuspicious of any movement out of the usual routine of his accustomed tactics, the English general anticipated a night of security, and was preparing himself for the conflict of the morrow.

Next to a sudden attack from high ground, nothing could better suit the Highland spirit of warfare than a night march and a surprise, and it was resolved, after some consultation, to make the attempt. It could only be accomplished by a considerable circuit. At Seton

* Any estimate, however, of the numbers, at least on the Highland side, is but a balancing against each other of exaggerated statements. Each army seems to have spoken of the other as consisting of 5,000 men; and Cope, on his trial, or rather examination before the Board of General Officers, made that the number of the Jacobites. Several of the statements on this matter will be found compared with each other, in the Notes to the Chevalier Johnson's Memoirs, p. 22.

Palace, about a mile eastward of Tranent, the waters of the morass gathering in a stream clattered down a ravine, and there naturally was the termination of the broad swamp. It was determined that this passage to the enemy should be adopted, and Lord Nairn, who had been sent eastward along the heights with a party to divert the attention of the English general, was rapidly called in. When the disposition for the march was adopted, the Prince went forward, and said to the officers near him,—"Follow me, gentlemen; by the assistance of God I will this day make you a free and happy people."*

A gentleman, named Anderson, who is said to have known the ground as a sportsman, led the way. The habits of the Highlanders enabled them to accomplish the march with dead silence and extreme celerity. The morning dawned in dense mist, which continued still to shroud their movements. They formed after crossing the morass or stream in two battalions; the right, consisting of the several MacDonald tribes and a few Grants, was commanded by Drummond the titular Duke of Perth. The left, containing the Camerons, Stewarts, and MacGregors, was led by Lord George Murray. A second line, commanded by Lord Nairn, consisted of Athole men, Robertsons, MacLauchlans, and Drummonds, with a small body of mounted gentlemen. With this line the Prince, who unwillingly consented to abandon the head of the army, walked. After the passage of the morass by the Duke of Perth's body, they tended eastward to leave room for Lord George Murray's, which adjusted its movements so as to sweep the edge of the

* This saying, with the other prominent events in the three main battles of the insurrection, was attested by a gentleman in the Prince's army, Andrew Lumisden, a Jacobite scholar, who retired when his cause was lost, to Rome, and published in 1797, "Remarks on the Antiquities of Rome and its Environs." From his brief, but very clear narrative, Home took many of his material facts. It is now possessed by Mr Gibson-Craig, who has kindly lent it to the author.

morass, and save itself from being flanked. The regular form of march was in open columns three abreast, which permitted, by a single movement, the formation in lines three deep. But when they took their ground, following their old practice, they threw themselves into separate clumps according to their clans, and their method of forming and fighting was exactly as it had been nearly sixty years earlier at Killiecrankie.

As the mass moved on with celerity and silence, it was at last recognised by the obtuse sentinels who are said to have observed a great dark body in motion long ere they divined that it must be the Highland army. Cope knew well the one great principle, that since the enemy had changed its direction, he must change also to prevent a flank attack, and the operation of facing to the east was leisurely carried out, until the right was to the morass, and the left to the sea, the dragoons as they previously did occupying each flank. It became a feature of the engagement that the high enclosing fences of Bankton, poor Colonel Gardener's mansion, and of the Grange pleasure grounds, were now in the rear, with a narrow road between them, which in a manner pierced a long line of wall.

The operation was hardly completed when the Highlanders advancing close up with a sharp trot discharged their pieces, threw them away, and then leaped with a yell on the nearest foe. The route and ruin were complete, and almost instantaneous, none of the troops showing steadiness enough to make the battle a series of successive movements. All bore back according to the order of their position on the field before the advancing torrent. It first overwhelmed the men in charge of the six field pieces in front. A false reliance had been placed on the Highlander's dread of what he called "the musket's mother," and the field battery was a sham, for there was but one old artilleryman in the army, and an inef-

fective effort was made to get the guns served by sailors. Somehow they were fired off, killing one man; but whether the Highlanders knew that they were virtually unserved or not, the cannon, being in front, were first reached, and those in charge of them were the first to flee. Some battalions had fired their single discharge on the advancing foe, but it was before they had begun the final charge. After that, scarcely one kept its form. The high enclosing walls, which were, the day before, looked upon as the fortifications of Wade's camp, now made it a slaughter-pen. The interruption compelled the broken ranks to flee hither and thither, a few escaping by the road, and others, still fewer, by embrasures which had been cut in the walls. Many of the dragoons, as they rode along these walls seeking an exit, were struck down by the masses of Highlanders rushing on them in flank, and the infantry, huddled before them in heaps, were still more easily slain.

A slaughter of a frightful kind thus commenced, for the latent ferocity of the victors was roused, and grew hotter and hotter the more they pursued the bloody work. To men accustomed to the war of the musket and bayonet, the sword-cut slaughter was a restoration of the more savage-looking battle-fields of old, which made even the victorious leaders shudder. The Prince, to his credit, rode up to the scene, and called on the Highlanders to spare his father's deluded subjects; and Lord George Murray, with the other leaders, exerted themselves to quench the slaughter.

One death on this dreadful day was surrounded by a sad and peculiar interest. Colonel Gardener, who had steeped his religious impressions in the solemn gloom peculiar to those who have turned suddenly from the follies and offences of a life of pleasure, was observed to be more serious than usual, and to act as one who had finally prepared himself for death. But he did not neglect the rigid performance of his duties. When his

troop fled he remained, though severely wounded; and, seeing a body of infantry, who seemed inclined to struggle on though unofficered, he performed the noblest function of the military leader, by offering himself to almost certain death, in efforts beyond the range of his proper function, to save life by organising the helpless crowd. He had scarcely begun his act of humane courage, when one Highlander cut him down with a scythe, and another relieved him from agony with a blow by a Lochaber axe. He fell at the door of his own pleasant mansion, faithful among the faithless, leaving a sad contrast to his own in the conduct of his fugitive fellow-commanders.

In the ordinary soldier, panic-flight represents his own weakness, or the mismanagement of others. In the commander it rises to a crime, because it is a desertion of the sacred duty to preserve the lives of others. By those who enjoy the honours and emoluments of war, no danger is to be evaded that may save life among the helpless and confiding followers; and men will not cease to visit the general who flies, instead of abiding to keep order among his beaten troops or die if that be impossible, with infamy. After the reverse of Fontenoy, the nearest approach to a great defeat that Britain had ever encountered from France, there arose deep alarm about the soundness of the British military system when it was learned that several field-officers had fled from the Highland charge without looking behind them. Cope himself was excelled by others in the poltroonery with which his name is ever associated. He made some little efforts among the stragglers whom he found far away from the field to regulate a retreat, but others seem to have fled right on; and when two of them, Brigadier Fowlks and Colonel Lasselles, reached Berwick, the old General Lord Mark Kerr said to them, "Good God! I have seen some battles, heard of many, but never of the first

news of defeat being brought by the general officers before!"*

Few victories have been more entire. It is said that scarcely two hundred of the infantry escaped. Though the slaughter had gone far before it was checked, many prisoners were taken, who were an inconvenient acquisition to the insurgents. They were sent partly to Logierait, in the Athole territories, and partly to an old fortalice in an island on the Loch of Clunie, on their border. The military chest, containing L.2,500, afforded a seasonable supply to the Prince. The Highlanders obtained a glorious booty in arms and clothes, besides self-moving watches and other products of civilisation, which surprised and puzzled them. Excited by such acquisitions, a considerable number could not resist the old practice of their people to return to their glens and decorate their huts with their spoil.

The Prince, spending the night after the battle in Pinkie House, entered Edinburgh next day in triumph. Some lawless excitement was shown by his wild followers, but, on the whole, the Highlanders behaved well; and it is among the most remarkable instances of the influence which a change in surrounding conditions may have on a people signally retentive of other bad practices, that there should have been so little plunder in their marches or their abode in the towns. This may be accounted one of the steps in a moral change which has made the Highlanders of the present day remarkably exempt from predatory offences. There are few humble people among whom property is more safe from aggression, than the still poor descendants of the Highland thieves of old.

The young hero of the late conflict was naturally an object of greater interest than ever. All the Scottish

* Letter from Dr Waugh, 2d October 1745. "Carlisle in 1745," p. 27. The anecdote was afterwards applied to Cope himself, but it is likely that Waugh, at so early a period, had an accurate version of it.

ladies who had the slightest tinge of Jacobitism in their opinions, gave him their sympathy and prayers, which seemed indeed to be already fulfilled in the pomp and etiquette of a court at Holyrood. The Prince was courteous and affable, gave balls, touched for the "king's evil," and did all things that befitted his heroically romantic position and kingly descent. He issued proclamations from time to time, prepared in the same judicious and attractive tone which characterised his public declarations from the beginning. They were, however, more popular among his friends than effective among his opponents. He tried hard to get the Presbyterian clergy to perform their usual functions. One of the ministers, whose place of worship was immediately under the Castle guns, appears to have adopted this opportunity to pray "that the young man come among them in search of an earthly crown, would soon receive a crown of glory," and to discharge other missiles of a like character, drawn from his own clerical resources. The other clergy, not being assured of free permission to pray for King George, a privilege which they could not well expect to be conceded to them, generally suspended their functions. The Prince was not more successful in his appeals to the banking companies to withdraw their effects from the Castle, whither they had been removed for security. All accessible public moneys were seized, and warrants were issued for the enforcement of all crown claims, in favour of King James. These were, of course, obeyed only where they could not be resisted; but wherever there was accessible property, it was subjected to heavy forced contributions.

From the 22d of September to the 31st of October, the insurrectionary army remained in possession of Edinburgh. It was at first alarmingly drained by the defection of those who dispersed with their booty, but the attractive lustre of the victory brought a gathering

southward, which speedily exceeded the defection. Among the leaders who now rallied round the adventurer came old Lord Pitsligo, with a following of 120 men, from the eastern Lowlands of Aberdeenshire. The collection of so considerable a force, showed an extent of personal influence not usual in the Lowlands, which must be attributed to the high reputation of the old man. He was, perhaps, the least liable to suspicion in character and motive among the Prince's adherents, for he was subject to none of the wayward impulses bearing on the Highland chiefs, and his fame has ever been pure from the suspicion of interested motives. A peculiarly constituted conscience sent him to that camp where his advanced age and his character were so anomalous. A zealous and pious Episcopalian of the nonjuring class, he believed in his heart that the Prince's father was king by right divine, and he did his duty with earnestness and singleness of purpose to the Lord's anointed.

The Earl of Airlie's son brought with him 600 men, who, though collected on the mountainous Braes of Angus, must be considered as in some measure of Lowland origin; but Pitsligo's appears to have been the largest contingent brought entirely from the flat farming districts. The Laird of Glenbucket brought 400 men from the north, along with Lord Lewis Gordon, whose attempts to bring out his clan without the direct aid of his brother the Duke of Gordon, were, as we shall find, but imperfectly effective. Thus enlarged by instalments, the army, ere it moved southwards, was nearly 6,000 strong.

Some Lowland gentlemen of importance now joined the Prince, but few of them brought any following; and it was soon visible to the discerning, that the main support of the project was to be in those Highland chiefs whose position made them inimical to a firm established government, and loyal to any principle or person that

embodied the elements of disorder. Lord Kilmarnock, who already had given his personal adherence, desired to offer something more. He had seen the chiefs, since the Revolution, ranging their followers on whatever side it was their own inclination to adopt, and he bethought him of attempting the same practice with his Lowland tenantry in Ayrshire. They had followed him in defence of the Hanover succession in 1715, and, having changed his side, he now desired them to follow him to the Prince's camp. But the Whig crofters and weavers of the west had not changed their opinions, and denied that their landlord could pledge them to any cause he chose to adopt. They received the insolent demand with a corresponding contumely, and the unfortunate peer could bring no following to the banner but the household servants, who, in his extreme poverty, cannot have been numerous. Some other recruits of a like character joined the Prince in Edinburgh,—Lord Kellie; Arthur Elphingstone, who before the conclusion of the insurrection succeeded to the title of Lord Balmerinoch; and Sir James Stewart of Goodtrees. The army was joined by two young men otherwise known to fame, but of little note in the military history of the insurrection, —William Hamilton of Bangour, the poet, and Strange, the great engraver. But the recruits from the citizens were few; and those who crowded round the Prince in curiosity tinged with sympathy, declined to commit themselves by mounting the white cockade.

The Prince, while he remained in Edinburgh, was master of Scotland excepting the few fortifications dotted here and there, and the country round Inverness, where Duncan Forbes, as representative of the government, preserved its supremacy. At such a point, even historians who are not Jacobites sometimes treat the Prince's conduct to his enemies as if it ought to be estimated by the same rules as the conduct of the government towards

himself. He was urged by some of his followers to demand a cartel for exchange of prisoners, on the threat of slaughtering those taken at Prestonpans if it were refused, as it certainly would have been; and his heroic clemency has been praised, because he declined to make the sanguinary threat. Arrangements were made for a blockade of the Castle, but General Guest resolved to keep the passage open, though the town should suffer in the destruction of the hostile works. The citizens saw great peril to life and property if the investment of the Castle were continued, and it had been impossible to avoid some unhappy casualties in the cannonadings which had already occurred. The safety of the town depended on the Prince giving up the investment, or General Guest, the governor, consenting to be invested. They must be remarkable circumstances, indeed, in which the commander of a fortress agrees to be blockaded, and in the end overcome, because his guns will commit incidental injury in the demolition of the adverse works. The Prince yielded to the entreaties of the citizens, denouncing the barbarity of the Hanoverian commander, and proclaiming his own clemency, in abstaining from reprisals on private property, and from using his power to assail his enemy without consideration for the city.

However divine right might teach him that he was the prince-regent of the kingdom, empowered to slay or spare as his royal will should incline, his convenient creed could not entirely blind him to the truth that his success depended much on his popularity with the community, and he was scarcely yet strong enough to do an act of cruel and useless severity. In this as in many other events of the insurrectionary war, the conduct of the Prince and of the government have been compared together as if they were bound by the same rules, like two warlike antagonist forces in the contests of nation against nation. To judge of a permanent well-established go-

vernment, and the leaders of an insurrection against it, by the same principles of action, would leave very few sanctions indeed for the loyal citizen to know when he is doing his duty, and when he is committing a crime. The Prince called his enemies subjects and rebels, and founded on the right which God had given him to subdue them; but all disturbers of the peace found upon some sounding principle, and that he used such regal nomenclature, or even believed it to be applicable, did not make his attempt the less a rebellion to upset a firm government and ruin a prosperous people, to further the projects of ambitious men. The function of the loyal part of the community was not to reciprocate with them the semi-chivalrous etiquettes which the laws of war had sanctioned, but to crush their attempt. It was, of course, possible to perform this function with censurable harshness and cruelty. The officer who pursues a criminal to justice may be vindictive, and the judge who condemns him may, in cruelty, exceed the proper limits of punishment; but no one considers that the judge and the criminal are to be viewed as two rival parties, bound to treat each other with the courtesy of contending princes in a European war.

As week after week passed on, it was necessary to contemplate distinctly the conclusion to which the Prince's success was to tend. Few men, perhaps, have ever been more perplexed by success than Lord George Murray and the other men of judgment among the Prince's advisers, during their sojourn in Edinburgh. Neither the rising in England nor the expected French descent had occurred, and they knew that they were not to be left rulers of Scotland with a force of five or six thousand men. Whatever doubts disturbed them, however, were unknown to their Prince;—he was flying on the wings of his destiny to the appointed throne; and he announced, one day, to his amazed council, that he in-

tended to march to London and take possession. Yet, situated as they were, a descent on England did not become so unreasonable on full examination as it at first appeared. General Wade was approaching with a considerable force along the east coast, and had reached Newcastle. If the insurgents could evade him by keeping the defenceless west of England, where their friends, if they had any, were to be found, they would protract the crisis, and give room for all chances in their favour from invasion or an English rising. The plan of a march into England was therefore adopted.

On the 31st of October the camp at Edinburgh was broken up and the march begun. The Prince's army now amounted to six thousand men, about half the number commanded by Mar at Perth thirty years earlier. There were about three hundred mounted men, either as dragoons or regular cavalry. Thirteen regiments were classified as Highland, because they were separately commanded by their chiefs or chieftains. About half the army only was thus distributed; yet in the other half, formed into larger regiments, and called Lowland, because they were not immediately under patriarchal leaders, the greater number of men were Highlanders. The army was in excellent heart and condition, for they had not been six weeks in possession of the capital, and the richest part of Scotland, in vain. They had been abundantly fed, and possessed clothes and arms, with even a park of artillery. The commissariat requisitions were so issued as to indicate a march on Wade's force in the east, though the west was the real destination. While one division, under Lord George Murray, immediately took the western route by Peebles and Moffat, the other, with the Prince at its head, professed to start in the eastward direction, but turned westward through Lauder and Kelso. After being for a time subdivided, it joined the other division on the 9th, near Reddings, in

Cumberland. The same reluctance to cross the border which had perplexed Kenmure and his friends in 1715, appeared, though in a mitigated form, and many of the Highlanders silently disappeared, and found their stealthy way back to their own mountains, not entirely unconscious of a considerable increase to their worldly possessions, even if they had acquired nothing more than good shoes and a comfortable plaid from the commissariat of Edinburgh. The Prince's force was thus considerably weakened, but as no one believed that England was to be conquered by six thousand men, it may be questioned whether the desertion was least regretted by the sanguine legitimists who expected the loyal people of England to rise at once in their strength, or by those who, knowing that the solemn mockery must speedily end, thought the sooner it was over the better.

On the 10th, the army surrounded Carlisle, which, like Edinburgh, possessed dilapidated fortifications adapted to the age when England and Scotland were at war, but neglected in later times. Again municipal authority was relied on for warlike protection, and proved wanting. There was no disaffection in the town; but very little capacity to defend it. The mayor, publishing to the world that he was no Scottish Paterson, but Pattison, a loyal Englishman, offered defiance. The main body of the rebel army was called off by an expectation of encountering Wade's force among the neighbouring hills; but the movement was premature, and the investment was resumed on the 13th, when the army professed to cut approaching works, and raise a battery.

When the news of the fall of Edinburgh reached the north of England, the militia of Cumberland and Westmoreland, to the amount of seven hundred, were raised, and united with the citizens of Carlisle—who, it was said, should have mustered four hundred fighting men—in the

defence of the town. In the castle, there were two small companies of invalids, consisting of eighty men, whose age and infirmity justified their title. There were two old artillerymen among them; and eighty of the militia were appointed to act as gunners. The few small guns on the walls were fired; but, as the improvised artillerymen saw, with little effect. The operations of the Highland army had at least the appearance of being formidable, and an assault was threatened. Colonel Durand, the commander of Carlisle, had brought in all the ladders to be found in the neighbourhood, with the farming implements not immediately necessary to their owners; but the Highlanders were busily making new ladders by cutting wood at Corby Hall. The citizens and militiamen began to murmur that a trifling body of undisciplined recruits were not to be reasonably expected to stand against a force that had beaten a trained army under a distinguished commander. Their hope of relief from the approach of Wade's army disappeared, and they had no choice but to capitulate. The county militia were the first to speak of a surrender, and as they said they would make terms for themselves, the citizens, who showed more resolution, were constrained to join them. A white flag was hung out to stop the operations without, and a deputation sent to treat. They brought back the unwelcome answer that the town alone would not be received on terms, and that, unless the castle were included, there would be a general pillage, and no quarter. The threat was not of a kind to be executed, yet the chance of partial performance was appalling. Colonel Durand was awkwardly situated. Unaccustomed to civil war, the citizens had no idea of submission to military command. The commandant was resisted in efforts to organise the force within the city, and had no constitutional means of enforcing his orders. Even the knocking down of walls, and the cutting of valuable

hedges, to deprive the enemy of a lodgement, met with resistance and murmurs. The militia and other professed defenders indeed did much as they pleased; and there was so little uniformity among them that their pieces were of all variety of bores, and could not be supplied with bullets from the stores in the citadel. Colonel Durand complained that he could not even get them to agree to an arrangement that no drum should beat without his consent or knowledge. It was an infringement of the liberty of the subject, to which they could not consent; and false alarms continually disturbing the community, and distracting the commandant, he at last effected an arrangement that the ringing of the cathedral bells should be the signal of general alarm.* Four hundred of the defenders of the city, militia and citizens, agreed to aid him in the defence of the castle; and he had to decide the serious question, if he should hold out, and leave the city to its fate. The decision was, however, speedily taken out of his hands by the volunteers, who, before eight o'clock next morning, changed their resolution, and left him "to a man." To defend a great range of dilapidated works with the eighty invalids, would have been preposterous, even if it had not endangered the city; and Colonel Durand and his officers, assembled in council of war, came to the conclusion that "the castle being not tenable, it is for his Majesty's service that it be abandoned."

Durand was tried by court-martial, and honourably acquitted. It was found that he had done everything capable of being done by one in his position; but the proceedings of the court satisfied the country how negligently its safety was looked to by the government. It was stated at the time, on good authority, as a matter not falling properly within the scope of the trial, that when Durand

* Carlisle in 1745, p. 74.

applied, through General Folliot, to the Ordnance and the Duke of Newcastle for five hundred men out of a detachment on its way from Ireland, the secretary at war answered that Carlisle was not a place of consequence enough to put the government to the expense of sending an express on such a matter.*

On the 18th, the Prince entered Carlisle on a white horse, with a hundred pipers playing before him, whose shrill music was by no means calculated to inspire the citizens with confidence in their grotesque and rugged conquerors. The acquisition was an important one; it was the first fortification occupied by the insurgents, and it had long been known as the key of a great national thoroughfare. A considerable amount of property, which had been removed into the castle as a place of security, was allowed to be restored to its owners. The troops acquired some valuable arms, and it will easily be understood to have been with no small exultation that the Highlanders found in the arsenal the broad-swords and dirks which had been taken from their kinsmen at the surrender of Preston. It has been said that the Prince required a subsidy of L.20,000 to relieve the city from pillage; but this is doubted, along with the assertion that he created Thomas Cappock, who served as an officer in his army, Bishop of Carlisle.†

The operations before Carlisle produced a serious feud in the Prince's army, not likely to have arisen had there been a competent commander-in-chief. Lord George Murray thought a rule should be adopted for the parties in the covering works being taken from the whole army in successive drafts, so that all might have their turn; and he proposed specific arrangements for carrying out this plan. A council was held on this proposal, and it was negatived. There arose, however, a cause of more serious offence to

* Carlisle in 1745, p. 96. † Ibid, p. 102.

Lord George, when he desired to know what terms were to be given on the surrender of Carlisle, as a matter which it was incumbent on him to be acquainted with, though he had no right to interfere with the arrangement made by the Prince. Secretary Murray told him that he took that matter to be his own province. In the letter to his brother in which Lord George told his grievances, he remarked that the secretary seemed to take everything upon him both as to civil and military matters.* No better account of his grievances is known than that afforded by himself; but there is that prepossession in its favour which naturally attends the complaint of a proud, honest, outspeaking, and self-sacrificing man, against a subtle and perfidious.

Lord George resigned his commission, and desired to continue in the army merely as a volunteer. It has been said, that he showed arrogance and self-will, not only to his colleagues of social rank approaching his own, but to the Prince himself, towards whom the very principles on which they were united in arms suggested entire prostrate submission, as if to the representative of the Deity on earth. Men of ability like Murray, unless they preserve a rigid restraint, are apt to let the contempt they feel for the silly people they are embarked with become unseasonably apparent, especially when they are interrupted in their plans by those who do not understand them. They forget for the moment such great ruling principles as the divine right of the house of Stewart. It would appear, however, that the Prince, with his affability, his condescension, and his love of popular admiration, never himself forgot his divinity, but was at heart as steadfastly assured of it as his stolid father. Hence he seems to have had little toleration for those who crossed him, and to have given more countenance

* Jacobite Memoirs, p. 51.

to applause and acquiescence than sagacity and ability. He had little of that quality so essential to aspirants after empire, which enables them to discern the faculties suited to their service, and bear disrespects and other minor deficiencies in those who possess them. From the impulses on which he acted, he did not covet the aids which an ambitious usurper might desire. It was not for the Prince by divine right, to conciliate a subject for services and abilities which could not affect the position held by him under the eternal decrees of Providence. It was for the subject to be obedient, and not only to act and speak, but to think, as his sovereign or his sovereign's representative thought fit.

Hence the chance of displeasing and losing his only good general appears to have given the Prince but slight uneasiness. Lord George, a little mortified, told his brother Tullibardine that, understanding the Prince desired to see him, he waited on his Royal Highness, but was told coldly that he had nothing particular to say. He went on to explain that he would act with all zeal in a private station, and records as the reception of this, "He said I might do so—nothing else passed."*

The army, however, with all its agglomeration of Highland varieties and caprices, felt that it could not resign the guidance of Lord George. The person with whom vulgar jealousy would have prompted him to quarrel was Drummond, Duke of Perth, but he always mentions his colleague with candid respect, though he must have seen distinctly the limit of his abilities. Drummond resigned along with Lord George. This double loss called the inferior leaders to serious council. In the end, Drummond was not reinstated, and he seems to have frankly acquiesced in the propriety of his own ostracism. He still retained the Romish religion, which made office so

* Jacobite Memoirs, p. 52.

perilous to his ancestor. Many of the leaders desired to incapacitate Papists from holding office under the Prince, and to make the disqualification publicly known as an assurance to the Protestant Jacobites. But all were conscious that it was not prudent to have a follower of the offensive creed in high command. Lord George was prevailed on to resume his function, though not apparently from any such unworthy motive as the removal of his colleague. From this dispute, however, which threatened the loss of Lord George's services as a commander, it occurred that the army received the benefit of his uninterrupted guidance through difficulties in which it was much needed.

Leaving a party of one hundred and fifty to keep the castle, the army resumed its march on the 22d. Great efforts were made to preserve discipline, and to shame or frighten the Highlanders from furtive expeditions; for it was essential that, if possible, the Prince should not appear as a scourge, if he could not well support the character of a liberator and benefactor.* The country people, at first terrified, had acquired confidence in the forbearance and good discipline of the Highlanders, and flocked to see the gaudy procession as an eminently attractive show. This popularity gave liveliness to a progress which hitherto had been all success. But England was again to show the same tacit obduracy which so soon disheartened Derwentwater and Kenmure. There was much curiosity, and even sympathy; but

* The orders of the day were preserved in the Diary of the march, kept by Captain James Stewart, of Lord Ogilvie's Regiment, and have been printed in the first volume of the "Miscellany of the Spalding Club." They show a laudable anxiety to suppress oppression and plundering, which they admit to have existed by saying, that it "not only has gained us the dissatisfaction of all places we go to, but likewise is a curse against us." —P. 313. Lord George Murray himself says, "As to plundering, our men were not entirely free of it; but there was much less of this than could have been expected, and few regular armies but are as guilty. To be sure, there were some noted thieves amongst the Highlanders (those called huzzars were

there were no recruits.. The ancient Cumbrian and Northumbrian gentry kept aloof. Some of them, remembering the loyalty of their ancestors, had a kind thought for the forlorn descendant of the Charleses; but they had not enough of practical Jacobitism to peril for it all that was dear to themselves personally, and to increase the chances of protracted civil war with a government so strong as that of Britain. The ladies of such families could not help feeling a warm sympathy with the gallant youth and his forlorn attempt. When he occupied the house of one of them, Mrs Warwick, the daughter of Howard of Castle Corby, he was entertained with all state and kindness in the "oak parlour;" and as he departed, the Tory lady of cavalier descent, was heard to exclaim, "May God bless him!"* The hospitality and the good-natured benediction pretty well expressed the full extent of Jacobite feeling throughout her class.

The continued direction of the march towards London was the wish of the Prince, and seems to have been moodily acquiesced in by Lord George Murray. It proceeded with much regularity and uniformity. The force which left Carlisle was 4,500. It was divided so as generally to keep the van a day's journey in advance, that the rear division, with which the Prince marched, might occupy the quarters evacuated by their comrades. In the latter days of November—equivalent to the earlier days of December by modern style—they were naturally

not better)—what army is without them?—but all possible care was taken to restrain them. How often have I gone into houses on our marches, to draw the men out of them, and drubbed them heartily? I was even reproved for correcting them.. It was told me that all the Highlanders were gentlemen, and never to be beat; but I was well acquainted with their tempers—fear was as necessary as love to restrain the bad and keep them in order. It was what all their chiefs did, and were not sparing of blows to them that deserved it, which they took without grumbling when they had committed an offence." —*Jacobite Memoirs*, p. 126.

* Carlisle in 1745, p. 46.

exposed to sufferings from cold. They generally, however, so arranged their double march, as at night to reach one of the comfortable old English market-towns. They retained their character for honesty and discipline; but it was impossible to prevent some devastation in hen roosts, and exaction of the tempting articles displayed in shops. The main grievance, however, of the fastidious English from this strange march, appears to have directed itself to the habits and sanitary condition of the Highlanders, and the risk of their sowing the seeds of a national cutaneous disease in their places of repose.*

On the 21st, the advanced division of the army reached Penrith, and, thence passing through Shap, Kendal, Lancaster, and Garstang, the whole force was concentrated on the 27th at Preston, memorable in the annals of the previous rebellion. Some relics of the old Jacobite spirit arose here to cheer the adventurers, whose progress since they left Carlisle had been through a people utterly unsusceptible to their cause, if not resolutely hostile. Now the bells were rung, some people shouted in the streets, and they received their first English adherent of consideration, in the unfortunate Major Townley. As twice before a Scottish force had been ruined at this point, there was a slight presentiment among the imaginative Highlanders, that they were not to pass the barrier; but this was overcome by Lord George Murray, who judiciously braved it by at once quartering a portion of the army beyond the charmed line. The march was resumed on the 28th. It had become extremely momentous, for Lancaster was still the centre of the remains of English Jacobitism. Here, if anywhere, they were to be strengthened; and

* There is an ample and expressive account of the afflictions of the English from this source, in a curious and amusing pamphlet called "A Journey through part of England and Scotland along with the Army under the command of H.R.H. the Duke of Cumberland." 4to.

Lord George Murray, with any others who considered the contest as an affair of this world, knew that they were now trying that last chance, after which despair must look them in the face.

On the 29th the army reached Manchester, where it occasioned, for the first time, something resembling a contest of opinion. It had been curiously preceded by a couple of men accompanied by a female camp-follower, who professed to beat up for recruits, paying a shilling in advance of five guineas of bounty money, to be given on each enlistment when the Prince arrived. Strong as the element of Jacobitism was supposed to be in Manchester, this curious recruiting party appears to have narrowly escaped from the mob.*

The town-crier was sent round to warn all persons owing public money, by arrears of taxes and otherwise, that they could safely make payment only to John Murray, Esq., secretary to his Royal Highness. An order, more effective, was issued for a general illumination and the ringing of bells. Manchester was then divided between two antagonist influences. As an old capital of a district, the Lancashire gentry, who were chiefly Roman Catholic, still had their town-houses in the borough, but they were now outbalanced by the manufacturing interest, rapidly rising in importance, and thoroughly loyal in opinion. Here the Prince obtained a subsidy of L.3,000, and the recruits were numerous enough to form a small regiment numbering less than two hundred men. To see this as the climax of the high hopes from the Jacobites of Lancaster, must have almost been more bitter than the obdurate hostility of the other districts.

The army left Manchester on the 1st of December, marching straight for London. Reaching Macclesfield in the evening, it was known that the Duke of Cum-

* See Lord Mahon's Account, from a MS. in the State Paper Office, and Chambers, p. 156.

berland, who had left London on the 25th of November, was at the head of a large force in Staffordshire. It was necessary to make a false move on Congleton, for the purpose of deceiving him. Lord George Murray himself undertook this arduous and subordinate operation. It was of a kind for which Highland troops, with their fleet unembarrassed movements, were always peculiarly adapted, and it was quite successful. On the 3d, Lord George left Congleton, and on the 4th the whole army entered Derby in triumphant display. But it was time for those who saw beyond the moment to view seriously their position, and consider what was to be done. Their career had been a romance. They had marched through nearly three hundred miles of hostile territory, had eluded two armies, and were within a hundred and thirty miles of the metropolis. They might reach and overpower it, and if human lives were toys, the game of forfeits would be a pleasant and exhilarating one. But to men like Lord George Murray, who expected no miracles, and deemed the interests they had put in stake serious, the juncture required momentous reflection.

CHAPTER XXIII.

Probable Results of a March on London—State of Opinion—Preparations by the Government—State of Scotland—Re-action, and arming for the Government—Duncan Forbes and Lord Lovat—Arrival of the French Force in the North—Lord Lewis Gordon and the forced Jacobite levies—Lord George Murray and the Prince—The Retreat—The Skirmish at Clifton—Carlisle and its doomed garrison—Scotland re-entered—Struggles and Sufferings of Glasgow—Hawley and the Battle of Falkirk—The Duke of Cumberland—The March northwards—Capture of Inverness, and other operations of the Jacobites—Desertion of their forced levies, and attempts to recover them—Battle of Culloden—The Prince and Lovat—Wanderings and Escape of the Prince—The Duke of Cumberland and Martial Law—Indiscriminate Outrages—Convictions and Executions—Remedial Laws—Abolition of the Seignorial Powers—Disarming of the Highlanders, and Suppression of their Costume.

It has been usual, of late, to speak of the march to Derby as an enterprise which, had it been continued, was extremely likely to overturn the Hanover settlement, and restore the Stewarts to the throne. It has been alleged, that the Duke of Newcastle shut himself up for one whole day, and was accessible to no one, that he might deliberate whether or not he would transfer his allegiance to the Pretender. It has been asserted, that the King had many of his most precious effects embarked in barges at the Tower quays, in preparation for momentary flight. But there is no contemporary evidence of these statements, nor a particle of probability in them, with all allowance for the Duke of Newcastle's folly, and the King's reliance on Hanover. It is true that Fielding said, "When the Highlanders, by a most incredible march, got between the Duke's army and the metro-

polis, they struck terror into it scarce to be credited." And it was quite natural that the approach of five or six thousand savage warriors on an open city should produce consternation enough, without any anticipation that it could effect a revolution. Horace Walpole, in his affectation of trifling with all that serious business of life for which he found himself unfit, proclaimed the utter indifference of himself and his set to the fate of the country. Perhaps it is true that the courtier class—of whose flagitious indifference to everything but personal contests among themselves, the literature of the day affords so much melancholy evidence—might have easily endured a revolution in 1745, as they did in 1688; but they, fortunately, did not represent the country, strong at heart in the progress upwards of a great middle class, whose interest lay in a free and steady government, and who would neither have supported nor submitted to a revolution, unless they had been driven to it by intolerable oppression. The country had already pronounced upon the question, in the cold silence with which it received the Highland march. That event was useful in itself, since it proved that, with every opportunity, the Lowlands of Scotland and the parts of England believed to be the most disaffected would not rise. It was not so much that they feared the tyranny of a Stewart, or were very fondly attached to the persons of the ungenial Georges, who had ruled them for thirty years. They had outgrown the influence of such motives, for the constitution had so much increased in strength since the Revolution, that a Stewart could not have shaken it, and a Guelph was not necessary to its protection. But they dreaded and disliked revolution and turbulence, and they knew that a change of dynasty would not be effected without commencing a series of internal convulsions, of which the conclusion could not be anticipated.

It is said that many of the old Cavalier gentry were ready to rise when they were satisfied of effective co-operation, and that, in the absence of a large French army, they would have found a sufficient substitute in the capture of London by the Highlanders. But the days were long past when the rising of a body of the English gentry brought a certain force into the field; and a few wealthy peers and squires, with their lacqueys and grooms, would have gone little way to help some five thousand janissaries in keeping down the people of England.

There was certainly much deep-seated discontent, but, instead of tending to the Stewart cause, it was directed against the indifference of the government, in not sufficiently protecting the country from the machinations of the Stewart party. On the 29th of October, it embodied itself in a debate on a motion in the Commons, for a committee "to inquire into the causes of the progress of the Rebellion in Scotland." The motion, involving a censure on the administration, was lost by 194 to 112, but the debate told on the public mind. Mr Winnington, in defending the government, asked how it could have been supposed "that a few Scotch Highlanders would be so mad as to take it into their heads, that, without any foreign assistance, they could conquer the whole island of Great Britain, especially after the Parliament and the whole nation had, upon occasion of the late threatened invasion, so unanimously declared for the support of our present government."* But the answer was, that these Highlanders *were* mad enough for such an attempt—that they had been long known to be so, and that no precaution was taken to keep the madmen from mischief, at a time when the land forces supported by Britain contributed upwards of 20,000

* Parl. Hist., xiv., 1372.

men to Flanders, to conduct a war in which the country had no interest.*

It was certainly among the immediate dangers of the time, that at Dunkirk there was a French expedition ready to have sailed, had the Prince actually reached the metropolis. What a French army could do, were the delivery of troops from transports once commenced on our shore, is fortunately still one of those speculative conclusions on which history gives us no instruction from example. But it was only in the proportion to which British troops were withdrawn from Flanders, that French troops could be sent to Britain; and the result would so far have been just an adjournment of the continental war to British soil. In the meantime, Admiral Vernon was cruising in the Downs, with an eye on Dunkirk and Boulogne. Though the expedition, on the news of the Prince's retreat, did not sail, yet small armaments were despatched from time to time in single vessels, many of which were seized by the vigilant British admiral, while others arrived on the east coast of Scotland.

Immediately after the news of Cope's defeat, the government began to rouse itself. The King, who was at Hanover when the insurrection broke out, had returned. Three battalions of guards, and seven regiments of infantry, were recalled from Flanders. Six thousand Dutch troops were called over. They could be spared with peculiar convenience, for they were part of the garrisons of Tournay and Dendermonde, which had capitulated under terms not to serve in the war before 1st January 1747, a stipulation supposed not to apply to the suppression of an internal rebellion, unless continental troops should assist the rebels. The forces thus available were

† In 1744, the estimates were for 21,358 effective men (officers included), to be employed in Flanders, and for 19,028 effective men, for guards, garrisons, and other services.

put under the command of General Wade, and were the first army which the insurgents had evaded in their march.

Soon afterwards the Duke of Cumberland, the King's second son, was called over from the Low Country campaign, bringing with him an additional body of troops, from which, with recruits in England, he made out an effective force of 10,000 men. This was the second army which the insurgents had evaded; so that there were two armies, each larger than their own, between them and Scotland. A third, to defend the capital, under the command of the King himself, an experienced leader and thoroughly brave, was to have the aid of the venerable Marshal Stair, the first British general of that age, whose genius, had he been actively engaged, might have given a different aspect to the civil war. The force to be thus illustriously directed was formed in camp at Finchely Common, and being created out of London materials, was not viewed with great respect. It has had the fortune to be immortalised in that powerful picture by Hogarth, in which he rendered gross caricature sublime, and carried to its utmost the propensity of the Englishman to enjoy that ridicule of his own military attempts, which he cannot endure from any other nation.

While these preparations went on in England, the condition of Scotland, to which the Highlanders resumed their march, was very different from that in which they had left it. On the 13th of November the judges and other official people returned to Edinburgh amid the discharge of guns from the Castle, and the tinkling of the music bells. Gardiner's and Hamilton's dragoons, with two regiments of foot, were quartered in the town. Parties left by the insurgents at Perth and Dundee were endangered by threatened attacks from the citizens. Several corps of volunteers were formed, among which Glasgow gave the largest contingent. There was a strong feeling, if not

quite in favour of the government, yet decidedly against the insurgents, in the south-western towns, the old seat of the Covenant. Dumfries had sent a party on the traces of the insurgent army, which seized their tents and other valuable baggage, at Lockerby. The new generation of Cameronians, who still possessed their fathers' broadswords, and a few rusty muskets, embodied themselves into a self-regulated regiment, stated to be 700 strong. According to their usual isolated pertinacity, they would promise no allegiance to any side in the dispute; but though the Jacobites still entertained some hopes from their wrong-headedness, there is no doubt that had they found it necessary, they would have fought for the King, uncovenanted as he was; and wherever small portions of their body became embroiled, it was always against the Jacobites.

We have seen that the lord-president, Duncan Forbes, on the first rumour of the Prince's landing, repaired to his own mansion of Culloden, the seat at once of danger and of usefulness. A statesman and a man of business—yet from the position of his paternal estates and his own habits, intimately acquainted with the peculiarities of the Highland social system—no other person was so well fitted to accomplish what moral influence could do, to restrain the chiefs and save them from ruin. He knew this, and set himself to the task with the more resolution and energy, that he was bitterly conscious of the supineness of those who had more responsibility for the peace of the country. He was at first associated with Cope's force; but he seems to have been glad when that commander removed from a neighbourhood where his ignorance of Highland warfare exposed him to annihilation, should he be tempted to fight the main army of the insurgents in the mountains. The President received twenty blank commissions to form independent companies, under the chiefs inclined to take the government

side. In the letter conveying them, he was told, with a thoughtlessness, productive to him of many sad misgivings, that the government would defray whatever cost he incurred in the defence of the country, as if the fortune or credit of a private gentleman could support an army. His disposal of this authority required extreme delicacy and tact; and in his unsupported solitude, he conducted an unremitting correspondence with the heads of clans. His efforts are believed to have kept ten thousand men out of the insurrection. The two important chiefs of Skye were secured by him before they had the temptation of example, and, somewhat unexpectedly, continued true. He had a far more subtle diplomatist to deal with in his neighbour and occasional boon companion, Lovat. He knew well the nature of the treacherous old barbarian, and watched him with such a calm but sleepless eye as a political resident from our eastern empire may keep on the motions of some dangerous Afghan chief or Ameer of Scinde. He was not to throw away denunciations or suspicions, but discoursed matters in ordinary courtesy with the old man, whom he knew to be covering, under a profusely bland and exuberantly kind exterior, the blackest treachery.

Lovat sent an ambassador to the Prince immediately on his landing, who is said to have recommended that the first step should be to secure the President alive or dead. The evidence for this is little better than traditional; but Lovat's character suffers no material injury in its being believed. His ardour was much subdued by the absence of two expected documents, which the Prince had, accidentally it appears, failed to bring with him—the one a commission to act as commander-in-chief of the forces; the other, a patent creating Lord Lovat Duke of Fraser. Turning in the other direction, he clamorously demanded arms from the government, that his clan might defend themselves from the rebels, and

take the field for "the king,"—chuckling no doubt internally when he thought it would not be suspected what he meant by the equivocal title. But Forbes had, like many honest men, a deep insight into character. He offered Lovat one of the blank commissions; but the arms he had not to give. He did not wholly despair of gaining the old chief by judicious appeals to his interest. Lovat remained in a condition of painful uncertainty, until the battle of Preston made him—viewing the matter from his position as a Highland chief—decide that the Prince's was the gaining cause. Still he desired to keep a firm hold of both sides, and resolved to send his clan to the Prince, while he staid at home professing loyalty. In the one direction he sent a letter to Secretary Murray, saying that he had devoted to the cause of his king and country his eldest son, his hope as a father, and the darling of his life, who was to march with fifteen hundred men; while, at his earliest convenience, he wrote to the President bewailing his sad lot as the parent of a frantic and abandoned son, who, defying all his exhortations, entreaties, and threats, had madly resolved to raise the clan in wicked rebellion both against the best of kings, and that heart-broken parent whose gray hairs he was bringing in sorrow to the grave. Forbes answered that the rashness of the youth was deeply to be regretted, for there was a popular belief, not easily to be shaken, that Lovat had great influence with his clan; and since he had taken them from the ranks of the rebels in 1715, and made them fight for the Hanover succession, it would be impossible for his friends to convince the government that he could not have restrained them on this occasion had he pleased. So the farce went on until the President knew that he was in danger, and fortified Culloden House in time to protect himself from seizure by a party of Frasers. At the conclusion of November, young Fraser marched southwards with the

clan. Lovat was seized and retained as a hostage in Inverness, whence he soon escaped. The retreat from Derby came to disturb his resolution, and he endeavoured to call back his son; but the young man disdained desertion, and stood by his adopted cause.

Forbes had, in his later operations, the aid of a military coadjutor, Lord Loudoun, an able and honest commander. The independent companies to be put under his command, were filled up by the two great chiefs of Skye, by the MacKenzies of Kintail, Lord Sutherland's numerous clan, the MacKays, the Rosses, and the Grants. This body held Inverness, and overawed the disaffected in the far north.

In the meantime, the insurrection took a totally new aspect along the east coast of the northern Lowlands, where a French force had arrived. Though France and Britain had mutually declared war against each other in 1744, it was in conjunction with continental alliances and combinations, which had no reference to a divided claim to the throne of Britain. Ere a French force could act so as to count one portion of the British people friendly, and the other hostile, a separate diplomatic arrangement was formally necessary. A treaty was arranged on the 23d of October between the Marquis of Argenson, for the French government, and Colonel O'Brien, for Prince Charles, in which it was agreed that France should aid the enterprise by defending the provinces submitting to King James, and counting the inhabitants of Britain friends or enemies as they aided or opposed the "Prince-Regent." As an instalment of the promised aid, a thousand men sailed from Dunkirk, under Lord John Drummond, who was born in France, and a French subject. They reached Montrose at the end of November. The introduction of this element into the war, though small in itself, was effective in neutralising a large portion of the government force. It enabled the French to demand that the six thousand Dutch

auxiliaries, who had agreed at the session of Tournay not to bear arms against France, should be withdrawn from the active force in the war; and immediately on his arrival, Lord John sent notice to their commander, Count Nassau, that he required fulfilment of the stipulation.

The French troops allied themselves with the insurgents gathered chiefly under Lord Lewis Gordon in the north, and greatly astonished the people in the Braes of Angus and the interior of Aberdeenshire, by the presence in their remote hamlets of French soldiers. Lord Lewis expected to bring a great force from the braes and lowlands of Aberdeen and Banff; but he was encountered by two impediments. The Highland following of his house would not move without a hint from the Duke himself, and the Duke either did not choose or did not dare to give that hint, so that they stood still. The Lowland peasantry, on the other hand, though they had been accustomed in the civil wars to rally round the banner of the house of Gordon, claimed the privilege of thinking for themselves, and disposing of their allegiance as they pleased. Lord Lewis found an active coadjutor in the zealous Aberdeenshire laird, Moir of Stonywood; but their efforts to raise a force met with little success. In the more populous parts of the country, and in the town of Aberdeen, they were counteracted by the mob; in other places, they were met by mere quiet obstinacy. Among the people there was no longer a preponderance of Episcopacy. The Established clergy, seated among them in quietness during a whole generation, infused their influence through them, and neutralised the Jacobite leaven.*

When Lord Lewis and his coadjutor saw the Highland

* "I'm informed," said Lord Lewis, "by the Prince's best friends in this country, that his affairs have suffered by the vile and malicious behaviour of the Presbyterian ministers, who abuse his Highness's goodness by irritating the minds of the common people in telling them a parcel of infamous lies."—*Letters to the Laird of Stonywood*—Spalding Club, p. 403.

chiefs using force with effect, they proposed to employ the same means. Lord Lewis issued a proclamation in name of the Prince, demanding a well found soldier for each L.100 of valued rent, or a sum of L.5 as substitute-money; and he gave instructions that where neither alternative was adopted, parties were to burn all the houses and grain on the lands.* But, finding it impossible to coerce a majority, he was obliged to content himself with empty threats, and the conclusion that he and his coadjutor had undertaken an unthankful business, and had "to deal with a set of low-minded grovelling wretches, who prefer their own interest to the good of their country, or the indispensable duty they owe to their lawful Prince."†

A detachment from the independent companies at Inverness was sent across the Spey to counteract the exertions of Lord Lewis. They were chiefly MacLeod Highlanders, and Gordon met them with a mixed assemblage from Lord John Drummond's French auxiliaries, and the Lowlanders and Highlanders of the Gordon country. It was somewhat in contrast with the prevailing tone of the war to find a band of pure Highlanders from the west fighting for the government against this motley assembly. They had a skirmish at Inverury on the Don in December. It was not bitterly contested, but the MacLeods being by far the weaker party, retreated to Elgin.‡

* Gent. Mag., 1846, p. 29.

† Letters to the Laird of Stonywood, p. 406. The Laird of Pittodrie, an old campaigner of the '15, warned them that the days for force were over. "But you will see," he said, "if burning were once begun, they will feght that will do it upon no other consideration; and you will find you have not men sufficient to put it in practice. But not to insist, in my opinion upon every account the scheme is wrong. In the first place it loses the good wishes of the country; and it's idle, because it's not in your party's power to make any advantage of it, for the men, if they went as they are forced, will not stay, and if they did, they are good for nothing, and will be found so."—*Ib.* p. 416.

‡ See, for many of the minute particulars of the subsidiary operations, the Diary of the Rev. John Bisset, in the "Miscellany of the Spalding Club."

While these things went on, the Frasers and other clans had assembled at Perth under Lord Strathallan, and formed an army of reserve for the Prince on his return from England.

Such was the position of matters throughout the island, when, on the 5th of December, the leaders of the Jacobite army assembled at Derby sat in anxious council. If there had been friends of the cause in England, they had done all that gallant and devoted men could do to give them an opportunity of rising, but they had not risen. Their own army consisted only of 5000 men; they were in a hostile territory, and hovering at different distances around were three armies, each double the size of their own. If they were to believe themselves not exempt from fallibility, but subject to the ordinary fate of mankind, they must expect to be crushed. Their devoted followers would be extirpated, and it was necessary, in homage to the abstract principles of their political creed, to hint at a far greater calamity in the possible capture of the Prince's sacred person.*

Though it was opposed by the Duke of Perth, it was impossible to resist the absolute necessity of the retreat, when matters were looked in the face. The Prince protested against it with bitter grief, as a practical denial of the sacred justice of his cause; but among his best supporters, theories of divine right could not at such a moment stand a contest with stern realities. The retreat was ordered, and Lord George Murray, who, in this act of unwelcome wisdom, reached the climax of his devoted services to the cause he had adopted, undertook the charge of the rear, with a great preponderance of the

* The usual accounts state the number of the army at Derby as 5000. Hutton, in his "History of Derby," says,—"The billets were counted after the retreat, and were found to be 7008."—p. 275. But Lord George Murray says expressly in his narrative, "We were not above 5000 fighting men, if so many."—*Jacobite Memoirs*, p. 54.

dangers and fatigues of the march, and performed his duties with rigid firmness.

The Prince was now awakened from his dream. The belief in his destiny which had carried him through the failure of the French expedition, the smoky hovel of Eriskay, and the deserted valley of Glenfinnan, failed him at last. Through all these preliminary checks, it seemed only that the tide of fortune had not yet turned, as it was destined to turn, in his favour; but now it appeared as if he had caught it, and had been wafted on upon its bosom, but found it was not sufficient to bring him into the destined haven, and he must drift back again. From this point he became a heartless and listless impediment in the hands of his partisans, instead of their inspiring and leading spirit. To ride upon the wings of regal success seems not a task that, if undertaken with sufficient confidence and self-reliance, exacts much intellectual capacity; but to modify disaster by exertion, and neutralise the effect of calamities by a daily fight with fortune, were functions for which Charles Edward was never fitted, although afterwards, when, a lonely wanderer, he had to flee and hide for his life, he showed abundance of physical fortitude and endurance.

When the Highlanders found next day that they were retracing their steps, their mortification was an echo of the Prince's feelings. They lost much of the spirit that had led them onward, and the preservation of discipline became a harder task to the organiser of the march, who found that the treacherous Secretary Murray, and other time-servers, were seeking temporary favour with the Prince by discountenancing the retreat. It was necessary, however, to move with rapidity and great secrecy, and the exertion and attention thus called forth neutralised discontent and reluctance. They were two days on their march ere the Duke of Cumberland knew the change. He now procured additional horses, and em-

ployed the dragoons, and all the other available mounted men, in pursuit. When they reached Macclesfield on the 10th, the Highlanders were two days ahead. At Preston, the pursuers were re-enforced by a party of Wade's horse, which, sent to intercept the retreat, had arrived too late. On the 17th, when the Prince and the van were far ahead, Lord George Murray had been detained at Shap by incidental impediments. Early next morning, horsemen were seen hovering on the heights, indicating that the Duke's army was overtaking the fugitives. Lord George, true to his character, desired to fight, and sent forward to the Prince for reinforcements. They were refused, and Colonel Roy Stewart, who bore the request, brought back directions to bring up the rear. Murray, however, resolved to attempt a check on the pursuit. He had about a thousand men, consisting of Roy Stewart's regiment, MacPhersons, and Glengarry MacDonalds. He posted himself to abide an attack at the village of Clifton, where there was a hedge on one side, and the high wall of the Lonsdale enclosures on the other. The dragoons dismounted to serve in their proper capacity as infantry. Their numbers cannot be known, but the Jacobite writers say they amounted to 4000. The moon was in the second quarter, and as the sky was cloudy, there were intervals of obscurity and bright moonlight. In one of these, Lord George saw from his covered position the body of English troops marching towards the enclosures. He ordered an instant charge. It was made with the usual Highland impetuosity, and the dragoons fell back, with the loss of a considerable number of men. The Highlanders then resumed their rapid march, and pursued it unmolested.

The next critical stage in the retreat was Carlisle, reached on the 19th. Some proposed that the works should be blown up, but the Prince adopted an arrange-

ment more miserably destructive. A garrison of 300 was left behind, consisting chiefly of Townley's Manchester regiment. The officers, if not also the common soldiers, who accepted this service, were, in the eyes of all rational beings, deliberately doomed to destruction. Of the high-spirited devotion which made them abide this fate without a murmur, there can be but one opinion. For the conduct of the Prince who left them to it, it is difficult to find a better excuse than that egotistic fanaticism, which made every calamity endured by his followers in the cause of his house a simple incident in their line of duty, which it was not fitting that he should go out of his way to prevent, or regret after it had occurred.

The Duke of Cumberland's force invested Carlisle on the 21st. Some preparations had been made for defence, and as the Duke had no cannon, he could not accomplish an immediate capture. Some ship-guns were brought up from Whitehaven, and on the 29th the garrison saw, that when the batteries opened, the mouldering walls would be strewed in ruin, and they had no choice but to capitulate. In some accounts of the affair, it is recklessly said that the Duke gave terms of capitulation, and broke them by delivering the garrison over to the law. The Duke of Cumberland's memory has its own load of obloquy, but treachery and falsehood are not ingredients of it. It is true that the governor called the Duke's answer to their appeal "terms of capitulation;" but in this document he said, with candid harshness, in words equivalent to those used by Wills to their predecessors at Preston—"All the terms his Royal Highness will or can grant to the rebel garrison at Carlisle are, that they shall not be put to the sword, but be reserved for the King's pleasure."*

* Carlisle in 1745, p. 153

Some incidents connected with the re-capture of Carlisle anticipated offensive events in Scotland, and showed that the Duke's rude disregard of the institutions of the people he was among, proceeded more from military contempt of civil rights, than from English prejudice against Scotland. He sent the mayor and town-clerk prisoners to London, and seemed much disposed to treat the citizens at large like those of a conquered province. To the horror of the ecclesiastical magnates, the major of artillery, founding on some ravenous custom in the Flemish wars, claimed the cathedral bells as his perquisite, and the Duke, when appealed to, would not interfere: if it was a perquisite to the train, it must be submitted to.* The Chapter seem to have saved their bells with difficulty, but they had to submit to their cathedral being desecrated as a prison.†

After the fall of Carlisle, the Duke returned to London, where rumours of invasion rendered his presence desirable. Wade continued to command in the north of England, while General Hawley led an army into Scotland.

The insurgents, on crossing the swollen Esk, held a sort of jubilee on retouching Scottish ground. Passing through Dumfries, where they punished the hostility of the citizens by levying contributions, on the 24th of December, exhausted and resentful, they reached the crowded city of Glasgow, whose citizens had well earned their wrath, and expected their vengeance. Of all the communities, indeed, which suffered from the unprotected state of the country, the city of Glasgow, rapidly rising in importance, had the strongest ground of complaint. A small body of troops stationed among them had been removed on the 12th of August. A meeting was presently called of the principal in-

* Prebendary Wilson; "Carlisle in 1745," p. 173. † Ibid., p. 194.

habitants, who acted with spirit and unanimity. It was found that a considerable number of men were ready to be embodied in a loyal corps, but there were no arms for them. When the Highland army, in its march southward, had reached the Forth, matters seemed very serious. The insurgents were nearer to Glasgow than to Edinburgh, and it was thought likely that they would select the more defenceless, but scarcely less affluent, city. The Glasgow people, from old habit, could look on Highlanders only as banditti, whose object would be the plunder of their warerooms; and their respectable Provost is found complaining that business stands still—that the custom-house is shut, though there are 4,000 hogsheads of tobacco undischarged—that the manufactories have stopped, and the confidence between man and man, which kept up the busy wheels of commerce, is suspended—all the doing of a party in the country, whose collective wealth is not ten thousand a-year.* The Glasgow people well represented what the rest of the Lowlands would have been, had prosperity been general.† They applied for authority to raise volunteers, and at last received a sign-manual; but they were still without arms, and their repeated applications to the legal managers of affairs in Scotland were unavailing. The Lord Justice-clerk told them frankly, on the 10th of September, that no general measures had been taken for the protection of the country—that no one was vested with power to distribute arms and ammunition, or direct in any way the efforts of loyal subjects. He

* Cochrane Correspondence, p. 31.

† Lord Mahon says—"How strange the contrast between Manchester and Glasgow! The most commercial town in England the most friendly—the most commercial town in Scotland the most adverse—to the Stewarts." But it was not by the commercial, or, more properly speaking, manufacturing element, that the partiality to the Stewarts was caused in Manchester, but by its retention of what Glasgow never had to any noticeable amount,—a resident landed gentry, or local aristocracy, disconnected with business.

had represented all this, he said, in the strongest manner, but in vain: he regretted the result, but he could not help it.* The Lord-Advocate had no better assurances to give, though he endeavoured to find a reason for not sending arms to Glasgow; but he was obliged to content himself with one little complimentary to those he addressed, when he told them that their possession of arms would only render them more liable to a visit from the insurgents, who were much in want of weapons.†

At the commencement of the outbreak, the citizens suffered some immediate uneasiness, on observing that Graham of Glengyle, the nephew of the departed Rob Roy, was hovering in the neighbourhood, with the scattered remnant of the old plundering bands who infested the banks of Loch-Lomond. For some years, however, the community had been too strong to be afraid of Highland raids, and they could assure themselves of keeping Glengyle in order, unless he came on them as a department of the rebel army. The first intimation that they were not overlooked, was the receipt of an order, under the sign-manual of the Prince, requiring a subsidy of L.15,000, to save them from military execution. This was at the time when the Prince's army was near Glasgow. The city sent deputies to adjust a composition, but ere they reached Kilsyth they saw the agreeable symptoms of a general march eastward, and returned. The time thus obtained was doubly gratifying, for the loyal populace of Glasgow protested violently against any compliance with the demands of the rebels, and showed such symptoms of turbulence, that the magis-

* Cochrane Correspondence, p. 8.

† "I dare not say that I can advise the general to send arms to you, and that not only because we have not troops at present to escort them, but chiefly that, as it's the chief distress of the rebels that they want arms as well as ammunition, this would tempt them to surmount all difficulties in paying you an undesirable visit."—*Cochrane Correspondence*, p. 11.

trates said they were still more afraid of the mob than of the Highlanders.* In the critical and exciting operations at Edinburgh, this source of supply seems to have been a while overlooked, but on the 28th of September the Provost had to announce the receipt of "another undesirable letter, insisting on the former demand of L.15,000 from this place." The ambassador sent to present the demand was, however, authorised to negotiate; and, after a conference with the principal citizens, who appear to have been pretty competent diplomatists, he agreed to accept of L.5,500, "mostly in money and bills, and part goods."† Notwithstanding their sufferings in spirit and in purse, the zealous citizens, on the 30th of October, celebrated the King's birthday with the ringing of bells, and at least a profession of public festivity.‡

After the retreat of the insurgents from Edinburgh, the request of the Glasgow citizens for arms was attended to, and one thousand stand were sent under an escort of dragoons. Lord Home was commissioned to command their volunteers; and in a few days they raised one corps of six hundred men, who, with a provision of subsistence-money for two months, were sent to the defence of Stirling; and another of the same number, who were retained for the protection of the city.§

When the whole army of the Prince, however, approached the contumacious city, resistance was useless; and the citizens knew that the only bounds to the exactions they must submit to, were in the extent to which they could either evade or conceal the capacity to meet them. The demand on Glasgow was for six thousand Highland coats, twelve thousand linen shirts, six thousand pairs of shoes and tartan hose, six thousand bonnets, and

* Letter from Provost Cochrane; "Carlisle in 1745," p. 17.
† Cochrane Correspondence, p. 21. ‡ Ibid., p. 25. § Ibid., p. 82.

a sum of money. When the community grumbled about the harsh exaction, they were told that they were rebels, and must suffer. Despondent, from the decay of trade and the exactions already borne, they had nothing for it but to submit, and with heavy hearts draw deeper on the resources which a few years of prosperous industry had acquired for them. The Provost complained that the authority of the rebels was worse than a French, and could only be compared to a Turkish, despotism. The feeling of such a community towards the Prince and his followers, was of course in utter contrast with his reception among the Jacobite gentry in the country. The very ladies, as the Provost exultingly records, would not accept a ball at his court, or go near it; and were even so loyal as to pronounce him far from good-looking.*

In the end, however, the losses of the Glasgow citizens, from their signal extent, were not allowed, like those of many other people, to remain entirely unrecompensed. Ten thousand pounds were awarded to the town by a special vote of Parliament, which was carried, by the perseverance of some Scottish members, against strong opposition, in which it was maintained that other places had borne their share in the general suffering, yet were unlikely to be allowed, and indeed were not seeking, compensation for merely doing their duty.

After remaining a week in Glasgow, the army marched towards Stirling, in the hope of reducing the fortress. After some opposition, they got possession of the town; but General Blakeney, resolving to keep the castle, put them at defiance. The army was now joined by the Highlanders assembled at Perth, and by the small parties who had been landed from time to time in vessels from France, including a few refugee Irish in the French service. Among the foreigners, one was a man of consider-

* Cochrane Correspondence, p. 63.

able rank, the Marquis Boyer D'Eguille, who was treated with much deference, as if he were to be viewed in the light of an ambassador from the French court, whose presence was the forerunner of the great promised auxiliary expedition. On the ground of the assured succours from France, the Prince had nominally raised the pay of his men on their return to Scotland, and promised them ten guineas each in two instalments—the one on the landing of the French; the other, on the restoration.* Fortune seemed again to smile upon the Prince. His army was far larger than it had ever previously been, and numbered about 9,000 men.

While they were preparing to besiege Stirling, news came of the approach of Hawley's force, and it was resolved to give him battle. He had 8,000 men under his command, including 1,300 horse; and he was joined by 1,000 Argyle Highlanders under Colonel Campbell. Marching from Edinburgh westward, through Linlithgow, they reached the bleak muirs round Falkirk just as the Prince's army might be indistinctly seen on the Plean Muir, seven miles distant. Hawley was a rough and almost brutal man—a disciplinarian to the utmost rigidity, and destitute of the quiet punctiliousness that made severity less odious in those who followed it as a painful duty, rather than a satisfactory occupation. He had a thorough contempt for "undisciplined rabbles," and for those who, like Cope, had been discomfited by them; and he had loudly proclaimed the exterminating severity with which he was to retaliate on the presumption of the insurgents. His unfounded assurance only made the fate he was to meet more agreeable to his enemies, who were not entirely confined to the insurgent ranks.

On the 17th of January, the troops were at dinner, when it became suddenly known that the Highlanders, by one

* March of the Highland Army.—Miscellany of the Spalding Club, i. p. 313.

of their rapid and silent movements, long concealed from sight by intervening elevations, were advancing close to the bleak upland of the muir, where they would presently gain the superior ground. Hawley had gone to breakfast with the Lady Kilmarnock at Callander House; and, kept in pleasant conversation, had not returned. Messengers were sent for him; and becoming conscious of the emergency, he was seen riding rapidly to his post uncovered, his gray hair streaming in the wind. His first object was to compete with his enemy for the higher ground. The dragoons were sent on to take and keep it if possible; but they encountered many interruptions in the character of the approach. The Highlanders ran to forestal them, seeking speed rather than arrangement, so that they took their positions as they reached the ground. The MacGregors arriving first of all, took their place on the right; and the insurgent force seems to have entirely outstripped the dragoons in the competition, though, in some accounts, it is said that a part of the dragoons first gained the height. The disposition of the whole army was ruled by the incidents of the race. The Highlanders occupied the front line—their less nimble Lowland auxiliaries taking the second, while the Prince stood on an eminence in the rear. Both armies, about equal in number, were without artillery, for that of the insurgents was left at Stirling, and Hawley's had been "mired," as it is termed, in attempts to bring it up. What followed was rather a scuffle than a battle. A wild storm of drift and wind had blown right in the teeth of Hawley's army, when the dragoons, still mounted, were sent to charge the insurgents. The Highlanders met them with their usual irregular fire, and bore the charge, mixing with the horses, and using their broadswords and dirks in close conflict with deadly effect. The dragoons became confused; and finding that they could not easily regain their position, rode along the front of the High-

land line, where they were assailed with a deadly fusillade. At last they fell back, and the insurgents rushing down after them in full torrent, the mingled mass instantly broke through the infantry, blinded and perplexed by the wind and rain. There was a considerable body of Hawley's troops, however,—consisting, it is said, of three regiments,—who, outflanking the line of the Highlanders, poured a steady fire on them as they pursued, and threatened, if they continued the chase, to operate on their rear. They paused, and Hawley was enabled to carry off his army eastward, leaving between two and three hundred men dead. He appears to have been utterly confused by the unexpected reversal of his confident hopes, for, unpursued, and with a large unbroken rear, he might have taken up his position at Falkirk; but he moved rapidly away, leaving his baggage and guns. His retreat seems to have been so unexpected, that a part of the Highland army had dispersed in the notion that they were beaten.

Hawley had plenty of courage, though he seems to have had little presence of mind. Had he been less easily convinced that he was beaten, and more deliberate in his motions, he might have made the affair of Falkirk very like the battle of Sheriffmuir, where he had served in the victorious right wing. This affair, of course, raised the spirits of the Jacobites; but one among them, more serious and observant than the rest, Lord George Murray, had made his silent observations, connecting this affair with its precedents, and he was led to the unpleasing conclusion that such an army as he commanded was not to be trusted for steady operations. The words in which he put the views which, he said, were common to himself and others, are remarkable for their truth and simplicity. "Unless," he said, "they could attack the enemy at very considerable advantage, either by surprise or by some strong situation of ground, or by a narrow

pass, they could not expect any great success, especially as their numbers were no ways equal." He concluded that unless they had the aid of regular troops, or could be brought into a new discipline, it would be impossible to rally them after the first disaster.*

On the news of the affair of Falkirk, the government put the suppression of the insurrection into the hands of the young Duke of Cumberland; and it is remarkable that in him they selected a person who, from his own side of the conflict, had formed opinions which were the echo of Lord George's. He had studied, with a discerning eye, the character of the Highlanders and the nature of their peculiar charge, and he adopted the conclusion that could he once bring his men into condition for receiving that charge with steadiness, their impetuous opponents would be at their mercy.† Thus a youth of four-and-twenty deliberately examined and removed the snare into which gray-haired veterans, rashly plunging,

* Jacobite Memoirs, p. 92.

† The following remarkable order of the day—not by any means a model of elegant composition—shows a very accurate notion of the composition of the Highland army, except in the supposition that the helots of the clans were Lowlanders:—

"The manner of the Highlander's way of fighting, which there is nothing so easy to resist, if officers and men are not prepossessed with the lyes and accounts which are told of them. They commonly form their front rank of what they call their best men, or true Highlanders, the number of which being allways but few, when they form in battallions they commonly form four deep, and these Highlanders form the front of the four, the rest being Lowlanders and arrant scum; when these battallions come within a large musket-shott, or three-score yards, this front rank gives their fire and immediately throw down their firelocks and come down in a cluster with their swords and targets, making a noise and endeavouring to pearce the body, or battallions before them. Becoming twelve or fourteen deep by the time they come up to the people, they attack. The sure way to demolish them is at three deep to fire by ranks diagonally to the centre where they come, the rear rank first, and even that rank not to fire till they are within ten or twelve paces; but if the fire is given at a distance you probably will be broke, for you never get time to load a second cartridge; and if you give way, you may give your foot for dead, for they being without a firelock, or any load, no man with his arms, accoutrements, etc., can escape them, and they give no quarters; but if you will but observe the above directions, they

were caught. But the Duke was no common man. He belonged to an age when high command was in a great measure a royal science, which men of inferior rank had scanty opportunities of studying. He was connected with that cluster of German princes, among whom, after the enticing example of the house of Brandenburg, a knowledge of the art of war was deemed a good speculation as a means of enlarging their dominions in the tangled contests created among the German states by every European war. After Frederick himself, perhaps none of these princes would have been so capable of successful appropriations of territory as the young man whose warlike pursuits were thrown into a different channel by his connection with the British throne. Though the subject of a constitutional government, however, he retained the spirit of the German soldier-prince. Military law was the first of all laws; and to military necessity everything must yield. He followed the course which, perhaps, most men brought up in his school would have followed, if in possession of the same power; but in a constitutional country it had the character of brutal severity, and after having, as he deemed it, done his stern duty, he left behind him an execrating country to find that his little nephews ran away and hid themselves in terror of his notorious cruelty.*

are the most despicable enemy that are."—*Document in Mrs Thomson's Lives of the Jacobites*, i., pp. 365, 366.

It must be mentioned, however, that discerning officers had already observed the same characteristics, though they had been totally overlooked by Cope and Hawley. Thus Burt says, with much simplicity and distinctness, —"When in sight of an enemy, they endeavour to possess themselves of the highest ground, believing they descend on them with greater force. They generally give their fire at a distance, then lay down their arms on the ground, and make a vigorous attack with their broadswords, but if repulsed, seldom or never rally again. They dread engaging with the cavalry, and seldom venture to descend from the mountains when apprehensive of being charged by them."—*Burt's Letters*, Ap., 271.

* "The bravery of the Duke of Cumberland," says the first historian of our day, "was such as distinguished him even among the princes of his

The Duke reached Edinburgh on the 30th of January, and left it next day, marching northwards by Linlithgow and Stirling. His force, which ultimately amounted to 10,000 men, with a train of artillery, was augmented by a party of Hessians, who arrived at Leith on the 8th of February, under the Prince of Hesse and the Earl of Craufurd.

The Highland army, meanwhile, had attempted the reduction of Stirling Castle; but a fortress on a rock was still far beyond the influence of their engineering capacities. They expected skilled aid from their French allies, not so much apparently because they were trained to engineering, as because they were Frenchmen; but the foreigners caused delay without producing any effect. Attempts were made to raise batteries on the secondary heights and the long slope of the Castle-rock towards the north; and the governor, General Blakeney, apparently knowing their innocence, permitted the besiegers to be detained in their construction ere he showed their futility by opening his fire. Thus they were engaged in a hopeless effort, until the news of Cumberland's approach rendered necessary a hasty retreat. The army was thinning by desertion, and out of small quarrels deadly breaches were widening among the haughty and capri-

brave house. The indifference with which he rode about amidst musket-balls and cannon-balls, was not the highest proof of his fortitude. Hopeless maladies—horrible surgical operations—far from unmanning him, did not even discompose him. With courage, he had the virtues which are akin to courage. He spoke the truth, was open in enmity and friendship, and upright in all his dealings. But his nature was hard; and what seemed to him justice, was rarely tempered with mercy. He was therefore, during many years, one of the most unpopular men in England. The severity with which he treated the rebels after the battle of Culloden, had gained him the name of "the butcher." His attempts to introduce into the army of England, then in a most disorderly state, the rigorous discipline of Potsdam, had excited still stronger disgust. Nothing was too bad to be believed of him. Many honest people were so absurd as to fancy that if he were left regent during the minority of his nephews, there would be another smothering in the tower."—*Macaulay's Essays—Chatham.*

cious chiefs. One of Clanranald's men discharging a musket, ignorant that it contained a bullet, shot young Glengarry. The clan insisted that the man who had been the means of the accident should be put to death. He could not be saved from their vengeance, yet his death, as that of a mere follower, was not enough to slake it, and both clans became jealous and discontented.* After this, and some similar disheartening incidents, it was deemed necessary to retreat to the Highlands, there to hold out during the winter, and prepare for fresh operations, according to the nature of intervening events, in the ensuing spring.

The retreat was commenced so rapidly that a quantity of powder deposited in the church of St Ninians was blown up, shattering the building to pieces. The movement was a mismanaged business, commenced no one seems to have known exactly how, and conducted against the opinion of Lord George Murray, who called it a precipitate retreat begun by mistake, which was likely to encourage enemies and dispirit friends. He spoke urgently for a stand at Blair-Athole, and offered to make it with 2,000 men.† They reached Crieff on the 2d of February, and were thus near the protection of the Highland line,

* A characteristic letter from Robertson of Strowan, who seems scarcely to have acquired solidity with age in the thirty years elapsing since we found him describing the battle of Sheriffmuir, shows how deep this tragedy penetrated among the kinsfolk of Glengarry:—"I had the honour of a letter from God knows who, and the Lord knows how; but it pretends to have authority to take up the cess due upon my lands. However, for answer, I tell the gentleman that my purse has ever been open at the King's command, and ever will be; but at present I am difficulted for money to support the King's affairs, recommended to me by the best authority. I am also in great trouble for the murder committed in the person of my nephew Coll. MacDonell, at Falkirk. His enemies are too plain to doubt of the author of the murder, which will surely be taken notice of by the highest and lowest of the nation. The gentleman's growing worth made him envied by beggars, and hated by traitors, which I never was, but still am in the necessity of my duty to the King and all his subjects, while Alexander Robertson of Strowan."—*Jacobite Correspondence of the Athole Family*, p. 169.

† Jacobite Correspondence, p. 185.

a refuge much desired, for the Highlanders had shown a restlessness and disposition to panic-dispersals very different from their previous steady march. Here the army was severed, and one division, consisting entirely of Highlanders, commanded by the Prince himself, took the Highland road by Blair Athole, while the other, consisting in some measure of Lowlanders, led by Lord George Murray, took the coast road by Montrose and Aberdeen. They were to meet at Inverness. In their rapid movements they soon far outstripped the regular troops of the Duke, encumbered by all the conventional arrangements for saving the health of the men, and keeping discipline in a winter march among mountains.

It was supposed that this rapid movement intimated a dispersal, that the march of a regular army to crush them was superseded, that the rebellion was virtually at an end, and that the suppression of marauding parties alone remained. The newspapers of the day spoke of the harassed and exhausted character of the straggling remnants of the insurgent army, and there were various reports of the Prince having escaped to the Continent. But the best-informed official persons in Edinburgh, whom the Duke went to consult, could not anticipate so bloodless and agreeable a conclusion of the insurrection; and the Duke returning to Perth, followed the track of Lord George Murray along the coast. At Aberdeen, he quartered his troops until the opening of spring should facilitate effective operations.

The insurgents, in their march through Inverness-shire, burned the fortified barrack of Ruthven in Badenoch. When they approached Inverness, the Prince, riding on before the main body of his division with a small retinue, spent a night at Moy House, the seat of government of the clan MacIntosh. As it was known that he was unprotected, a party of Loudoun's men were sent to apprehend him, and he had to evade capture by a rapid escape

to his army. It is generally said that the party took to flight in a panic-terror from an ambuscade which only consisted of the blacksmith of Moy and five followers; and the Jacobites, who were quite as ready to see cowardice and folly in the Highland clan MacLeod as in the English soldiers, gave it a place in their traditions as the "Rout of Moy."

The approach of the Prince's army, though it came rather in a fugitive than a triumphant character, compelled Lord Loudoun and President Forbes to remove their small force from Inverness. This conclusion of his brave exertions was a bitter mortification to Forbes. Had he received any substantial assistance—had the thoughtless government but placed at his disposal a few thousand pounds, he would have concentrated a Highland army much larger than the Prince's. He knew that the trifling funds at the disposal of the adventurer had aided materially in bringing the Highlanders around him, for there had been a scarcity and much suffering among them. Even the seizure of three small vessels laden with grain by the Doutelle ere she left the Scottish coast, was a material temptation to the Highlanders, and greatly aided the first gathering. The same influence would have been produced by a small government supply on the clans whose chiefs were loyally inclined; but in carelessness or stupidity it was withheld, and Forbes, after many a sigh, had to abandon the proverbially impracticable scheme of the private citizen going on a warfare at his own expense.

Aberdeen and Inverness were now the head quarters of the two armies. They waited for the final issue until the Duke should think it time to move westward. Meanwhile he exacted no farther service from his troops, save the detachment of occasional parties to keep the country towards the Spey clear of Lord Lewis Gordon's followers and their French allies, a service which was

rather a protection than a hardship to the peasantry in those districts.

The Prince's army was far more active. Lord Loudoun's small force of independent companies passed northward by the ferry across Moray Firth, and the Lord-President, who saw no occasion to offer himself up as a prisoner to the insurgents, went with them. The fortifications built round the old castle of Inverness were, however, left garrisoned by some Grants and MacLeods with eighty regular soldiers, and well victualled. But, little better than a great blockhouse, it was impossible to hold the fort against a large investing force possessed of any kind of artillery. After two days' siege, it was yielded on the 2d of February, and was blown up, as less likely to serve the insurgents than to be employed on some future occasion against them. A detachment was next sent to take Fort-Augustus. They surprised and seized an external barrack or outwork, and began regularly to besiege the fort—a small bastioned square work with glacis and ditch mounting twelve six-pounders. It might have defied the efforts of its rude assailants, but the powder magazine was blown up, no one seems to have known how, and the garrison surrendered. The detachment marched on to reduce the more important Fort-William; but there they were effectively resisted, until they were called away to the closing scene in the conflict.

In devising suitable occupations for the Highlanders during the cessation, it was naturally resolved to attack Lord Loudoun in Ross-shire, where he and the President kept the hesitating Earl of Cromarty, who would have served both sides if he could, from breaking his promises to the government, and marching with his men to join the Prince. As they advanced, Lord Loudoun crossed the Firth of Dornoch, thus placing between him and his pursuers a long sinuous arm of the sea, which they could

not have headed without departing far from their main body, while they had no visible means of crossing the Firth, then protected by a ship of war. Lord George Murray was sent to master this impediment, and with the aid of Moir of Stonywood, it was overcome in an original and effective manner. All the available fishing boats were collected by scouring the coast of Moray, and when they were assembled in the harbour a dense mist afforded them their opportunity, and the diminutive fleet conveyed the party across. They immediately met, and seized a detachment of Loudoun's men; but the incident gave warning to the main body, who pushed westward, and either dispersed, or with the Lord-President took refuge in the friendly Island of Skye.

Another more important movement has to be described ere we turn to the concluding scene of the conflict. In some of the districts nearest to the Lowlands, where the chiefs had been active in raising the men, small royalist parties were posted, generally consisting of Lowland volunteers and militia, with a few regular troops. The Jacobites called them parties for wasting the country and oppressing its inhabitants, while from the other side it was held that they protected the humble tenantry from the oppression of the chiefs and landlords who tried to coerce them into rebellion. It is certain that in a great measure they performed this function, though they excited much Jacobite indignation by the devastation they committed on the mansions and estates of those who had "gone out." It is difficult to keep any troops from insult to the property of those in arms against them, and the loyalists conducted themselves much after the fashion of the insurgents themselves, who slashed the Whig royal portraits at Drumlanrig house. But, on the other hand, there were many of the humbler people protected from oppression through the occupation of the country by these parties.

A force was sent up early in February to the Athole country, under the command of a tough veteran, Colonel Sir Andrew Agnew, who garrisoned Blair Castle, while another portion of the force, under Colonel Leighton, occupied the neighbouring fortress of Menzies.

Lord George Murray resolved to march a detachment from Inverness, and surprise those parties stationed in the Athole country. Jacobite history says he was inspired with the generous determination to rescue his clan from the oppression of the southern invader, and expel the intruder from the home of his ancestors. The correspondence of his family, however, divulges inducements totally different, which, if they show less consideration for his clan, show more devotion to the cause he had adopted. A large portion of the Athole men could only be raised by press-gangs brought from a distance—a policy amply pursued throughout other districts. Their country being the most accessible in the Highlands, the unwilling recruits deserted from time to time, and fled to their homes in such numbers, that Lord George and his brother Tullibardine felt infinitely scandalised by a decrease, so extensive in comparison with the slighter thinning endured by the chiefs and accomplished by the followers, in those clans which, brought from the more remote interior of the mountains, could not so easily regain their homes. Reproaches and threats were profusely wasted by their chief on these recreants. When appeals of a more common kind were found to be vain, a trial was made of the mystic influence of the crosteric or fiery cross, which some sages in Celtic lore believed to be capable of exciting the Highlander to rise and fight when all other moral influences were unavailing. Just before the march of Agnew and his men northwards, this ancient symbol, sent from the hand of Tullibardine himself, as the only one entitled to speed so imperative a messenger of hate and slaughter, made on

this occasion a last circuit before its final extinction As if the departure of its influence were seen to be at hand, it had little effect on the recusants, and Lord George seems to have trusted far more to the efficient services of parties of the Stewarts of Appin, and other remote clans, in raising the mutineers. An ingenious policy was indeed thus kept up, so far as the opportunities of this hasty war permitted, in making the clans overawe each other; for while parties from the remote recesses of Ross and western Inverness would form a press-gang to bring out the men of the southern Highlands, these in their turn supplied parties who readily preferred to a distant march the function of guarding the inlets of the Highland line, and intercepting the deserters of the distant clans when attempting by the bridges or passes to reach their native districts. This double operation was going on when Agnew's troops marched into the Perthshire Highlands, and materially disturbed the system. While the insurgent army remained at Inverness, Lord George* thought a detachment would be well employed in a sudden march through the mountain passes to surprise the occupying party, and re-open the Athole country to the Prince's army. As a part of Agnew's force came from Argyleshire, it was described, for the purpose of raising Highland clan animosity, as a body of the hated Campbells come to invade the territories of the Jacobite clans.

Lord George collected a force of 700 men, pierced with them the succession of narrow valleys, formidable even in summer, which form the minor passes between Strathspey and the valley of the Garry, and pounced unexpectedly on the party of occupation. He executed very adroitly one part of his service—the seizure of the outposts, or small parties occupying the tenable houses

* Jacobite Correspondence, p. 187.

of the feuars on the Athole estates, or of the smaller proprietors in their neighbourhood. The expedition was so effectively arranged, that to the number of thirty these posts were surprised in one night. The party then deliberately began the siege of Blair Castle. But to a mere Highland force without artillery, it was as unassailable as it had been in the earlier wars. The stubborn old Whig who commanded it resolved to hold it to the last, and uttered sardonic sarcasms against Lord George's insane anxiety to knock down his brother's house. The garrison was reduced to extreme want, and time would soon have settled the ownership of the fortalice; but after investing it until the 31st of March, the besiegers, like their brethren at Fort-William, were called away to more formidable duties.

At the commencement of April, it was known to the army at Inverness, that the Duke of Cumberland had resumed his leisurely march, accompanied by a fleet of store-ships winding along the coast parallel to his army. At the same time, the Prince received information that he must abandon the hope of being supported by a French force. On the 10th, the Duke reached Banff, and next day he approached the Spey. The first question in the tactics of the insurgents was, whether they should defend this deep and rapid river, deemed in a great part of its course the frontier of the Highlands. Petty works were raised to keep the fords; but unless it were made with a general effort, resistance at this stage was useless, and the small parties posted on this duty fell back. The Duke's army spent the 15th at Nairn, sixteen miles from the enemy. On the same day, the Prince's outposts were called in, and the parties straggling through the country, or resting in their own valleys, were summoned back to the central force. His army, imperfectly mustered, took its position in the muirs and enclosures near Culloden House, four miles eastward of Inverness.

It was ascertained that the sojourn of Cumberland's army in Nairn was devoted to a festival in honour of the anniversary of their commander's birth-day, and it was thought that their next night's rest would afford a favourable opportunity for a surprise. The resolution to attempt it was taken at three o'clock in the afternoon. But there had been great want for some time in the insurgent camp, and efforts to concentrate the army were impeded by the dispersal of many of the Highlanders in search of food. About eight o'clock they set off, and the men were instructed in the duty expected of them. They were to proceed rapidly, and approach the camp stealthily at different points. They were not to use fire arms; but, expecting to find their enemies at rest, were to cut the tent ropes, and endeavour to upset the poles, stabbing through the canvas wherever they saw it bulge from a pressure within. There is ground to believe that the Duke was too well prepared for such a plan being effected, even had they reached his camp.

The night march was arranged and begun; but the poor Highlanders, debilitated by long hunger, had to struggle, in crossing a pathless muirland country, with a pitch-dark night. Accomplished as they were in the art of cross-marches by day or night, they failed on this occasion. At two o'clock in the morning the van had only reached Kilravock, three miles from Cumberland's camp; and presently the dawn, preceding the spring sunrise, would disperse the darkness. The sound of a drum was at the same time audible in Cumberland's camp. Perhaps he was preparing to receive the attack, and all things conspired to prove that the attempt at a surprise must be abandoned. Lord George Murray, who led the van, took the disposal of the expedition into his own hands, and ordered a retreat. The Prince, who was far in the rear, and only knew of this order when it was in operation, was excited to high irritation, and charged Lord

George with betraying him. But the cause had now reached that state of calamitous confusion when he did best service who could protract the final catastrophe, and immediate safety was more important than obedience. The army returned to the neighbourhood of Culloden house; and desperate efforts were made to find food for the famished men. Purveying parties, in places previously overlooked, had succeeded in gathering victuals, but the enemy at hand demanded more immediate attention; and the food thus collected was not destined to refresh and strengthen the exhausted mountaineers.

The approach of Cumberland called the insurgent army to form on the open ground beyond the enclosures round Culloden House, called sometimes Drummossy Muir, but more commonly the field of Culloden. It is impossible to look on this waste, with the few green patches still marking the graves where the slain were covered up in heaps, without a feeling of compassion for the helplessness of a Highland army in such a place. It is a wide flat muir, with scarcely a curve, where the mountaineers had nothing to aid their peculiar warfare in high or rugged ground. A better field for steady disciplined troops could not exist. They could see everywhere around, and it was impossible either to surprise them, or subject them, as at Killiecrankie and Falkirk, to a rush from the higher ground. The party sent to the siege of Fort-William, with others who had been dispersed to their own valleys, had now been brought in, and the Prince's army numbered again about 6,000 men.* But, with the weariness of hunger, they were dispersed resting and dozing in the coppice-wood between Culloden House and the muir, and the covers had to be beaten to bring them out. News of a coming battle, however, was ever a welcome intimation, and throwing off their

* In Lumisden's MS. it is said, "The whole did not exceed 6,000 foot and 150 horse."

listlessness, they formed with much spirit on the western end of the muir, waiting the arrival of their enemy.

The great object of the Duke, before recommencing his march, had been to prepare his men for a firm reception of the Highland charge. He knew that on this all depended, and that the two previous disasters had been caused by the men not being rightly disciplined to receive the novel mode of attack. Some writers on military tactics had, in the meantime, proposed alterations on the complex infantry movements of the day, for the purpose of evading the Highlander's target, by directing the bayonet against his right breast. The men were trained during the winter, in some measure, to such a change of motion, but it appears to have rather been for the purpose of giving them a confidence that might make them steady, than from any belief in the absolute efficacy of the change.

The disposition of the army in the field was made with the view of giving every chance of steadiness to a large body encountering a small force of a formidable character. The principle of arrangement was to be prepared for and remedy a broken front. Accordingly the main body were drawn up in two lines, each of sixteen battalions, those of the second line having a free front in the wide interstices between those of the first, like divisions ranged in echelon. The front line was flanked by cavalry, and sixteen cannon were placed in the intervals between the battalions. Behind was a third line, or reserve, of four battalions, with horse on the flanks.

This conclusive battle, as it has been described by Maxwell of Kirkconnel who strips it of secondary detail, was very simple. The Prince's army was drawn up in two lines. To the right of the first were Lord George Murray's Athole men, with, in succession towards the left, the Camerons, the Stewarts of Appin, the Frasers, MacIntoshes, Farquharsons, Chisholms, the Duke of Perth's Regiment, Roy Stewarts, and finally the Mac-

Donalds on the extreme left. This distribution is said to have given mortal offence to this clan, who claimed to be posted on the right, and there was a rapid dispute about the arrangement, but events followed too quickly to let it be distinctly known whether their Highland pride was so deeply mortified that they would risk for it the general cause. The second line of the army—an imperfect reserve—consisted chiefly of the Lowlanders and the French auxiliaries. There was professedly a field-battery on either wing, but at the general muster the gunners belonging to the battery on the left could not be found, and ordinary men were detached to serve them as well as they could. The Prince placed himself behind the first line, on a slight elevation, where he had the whole field under his eye.

After returning a preliminary shout from their enemy, the insurgents opened their batteries; but the guns on the left were immediately abandoned, for the men found that they could not even make a show of serving them. Some dragoons, with a party of the Campbells, were seen moving from the Duke's left towards the bank of the river. As it seemed their design to turn the flank, a detachment was sent to oppose them; but it was too late. Breaking through an enclosure, they wheeled round, and formed in the rear; and Lord George Murray required to detach a party to face them. As a ravine lay between them, the two parties thus in the rear of the insurgents remained motionless opposite to each other.

Meanwhile, the Duke's cannon ploughed the insurgent ranks with deadly furrows. If this were to continue as the method of the battle, it could be but an affair of time. The Highlanders were madly impatient for the usual rush, which with them always settled matters in one way or another. It was perhaps natural that Lord George Murray should be loath to commit that critical movement which probably his sagacity fully informed him

must be the last; and more than one direction to advance came from the Prince ere he complied.

When the command was issued, it was so instantaneously obeyed from the right, where it was first heard, that, ere the left had moved, those on the right were running in a confused race forwards. Their line thus, so far as it presented a regular front, slanted from a point near the enemy's left, to the original position of their own left. The mass, thus obliquely advancing, was flanked and torn up by a lateral field-battery. The wind was against them; a full volley of musketry and grape was poured upon them in front, and while they fell in heaps above each other, the warriors, blinded by the smoke, could see neither friends nor foes. The right was nearly destroyed ere the left had got in motion; and hence, perhaps, came the accusation against the MacDonalds, of having stood inactive in their wrath about the question of precedence. A small portion of the Highlanders broke through the intervals in the first line, but never reached the second; and the last man fell by the fusilade, ere that portion of the royal army had to practise the new bayonet motion against the broadsword.

The battle was as rapidly over as the other Highland conflicts. When the utter inefficacy of the charge was felt by the first line, those who survived fled in irretrievable rout. The second line showed some symptoms of steadiness, but it was speedily broken by the fugitives; and ere many minutes had elapsed from the first charge, Culloden Muir was clear of all who could escape.

The nature of the country sent the fugitives in different directions. One body, taking the open road towards Inverness, afforded a prominent mark for pursuit, and was mercilessly hunted by the dragoons, too ready to wash out old contumelies with the blood of the defeated. Another, and apparently larger, party crossed the Nairn, and, less hotly pursued, drew together at Badenoch,

where, finding themselves a force of between two and three thousand, but without a day's provision, they dispersed among the hills.

The Prince, with a few followers, fled along the south-east bank of Loch Ness. At the house of Gortuleg, near the Fall of Foyers, they found Lovat, who, according to tradition, was there superintending the preparation of a feast to welcome the Prince on his victorious return from the field. The two men saw each other for the first time, and a more unwelcome visitant to the hoary intriguer than the Prince—for the delight of beholding whose sacred countenance he professed that his soul had been yearning—could not have appeared. It has been said that, in the bitterness of his disappointment, he met the poor adventurer with angry reproaches. But he was not a man to waste his energies in useless words. He was the only one among the paralysed fugitives who could suggest a distinct plan for breaking the force of the blow. He proposed that a body of three thousand men should be collected to defend the Highlands, until the government should find it their interest to receive them on reasonable terms; but the suggestion passed unheeded.

When the royal army passed to Inverness, some buildings were found filled with prisoners from the loyal side, who had received harsh usage from the insurgents. At one time the clothes had been stripped from them, to be distributed among their captors, but they were returned on the remonstrance of the French Marquis D'Eguille, who condemned the act as scandalous to civilised warfare.* Such an incident was calculated to whet the vengeance of the victors, and there is no doubt that they overran the country with cruelty and recklessness. It is not necessary to believe all the Jacobite stories tending to show a wanton and fiendish indulgence, by the

* Kilmarnock's Confession, St. Tr., xviii. 505.

Duke and his most distinguished followers, in cruelty and any kind of bloody work for its own sake; nor to admit that he ridiculed President Forbes as the old woman who spoke about humanity and the laws. What he did was, we may be assured from his character, not done in a spirit of wantonness, but after a sense of duty. But that duty led him to severity. He was a soldier according to the German notions of a soldier, and a rebel province was a community to be subjected to martial law. Many of the insurgents, attempting to escape or hide themselves when detected by well-known peculiarities, were put to death by the soldiery, who, even when they made a mistake and slew the wrong man, could not easily be punished. The Duke, brought up in the German military school, seems to have been unable to distinguish between a rebellion suppressed in constitutional Britain, where all men are supposed to be innocent but those proved to be guilty,—and a revolted German province, where every accorded grace to the unfortunate people proceeds from the will of the conqueror. Thus there was a propensity to subject all the northern districts to something too closely resembling military law or license.

If the Highlanders were used with cruelty, the inhabitants of some other districts suffered more injustice. In the Highlands, every glen or strath was specifically loyal or disaffected, according to the part taken by the chief. Among the clans, it was thus easy to know when the troops were in an enemy's country, and when they were in a friend's, and to direct their conduct accordingly. But in Aberdeenshire and Angus, where Jacobites and loyalists were mixed together, the people complained that, after having been harassed and plundered by Jacobite parties, they were now harassed and plundered by the royal troops for having been the object of so much Jacobite attention. Against Hawley and some officers

of inferior rank to his, so many charges of personal rapaciousness have been made, that there must have been some foundation for them.*

The inferior officers, in their spoliations and oppressions, were too amply justified by orders from their commander, which, however suitably they might have come from a royal general in a revolted German state, were unconstitutional in Scotland, and called for the interference of the civil power to restrain their operation. Instructions were given for the seizure of the property of the rebels by armed parties.† It was contended that, except in actual battle, soldiers had no right to seize

* Yet it is scarcely possible to believe the minutely circumstantial statement of a lady in Aberdeen, who said that Hawley lodged in her house, and carried off for his own personal use everything she owned, "but the clothes on her back." Not content with this exhaustive definition, she gives a specific enough enumeration, "for he packed up every bit of china I had, which I am sure would not be bought for L.200; all my bedding and table linen, every book, my repeating clock which stood by the bed in which he lay every night, my worked screen, every rag of Mr Gordon's clothes, the very hat, breeches, night-gown, shoes, and what shirts there were of the child's, etc., etc."—*Jacobite Memoirs*, p. 215. The Highlanders themselves could not, in their best days have made a more effective "spuilzie of inside plenishing" than that which Hawley is thus said to have accomplished before he left Aberdeen on the march westward. A more probable view of the general nature of the scenes occurring in the low country is given in the following words:—

"Great freedoms were used in many places, nor was there always great nicety used in distinguishing between friend and foe. To do no more than live in free quarters, was thought high marks of favour even from officers of high rank. Pillaging, pilfering, and driving, was the work of sentinels, subalterns, often construed in such a way that there's no fixing of the guilt, though one has a good action for damages. For example, a party issues forth, perhaps composed of a mixed band, picked out of different companies or regiments, or that have associated themselves, God knows how, and are commanded by God knows whom. They plunder a man's house, drive away his chattels and effects, sell or somehow dispose of the same. Nobody dare ask their names, or commission, or what regiment they belonged to, nor who gave orders.

"The churchyard and other places were kept full of chattels while the army lay at Aberdeen. They held public roups of them, and eat and disposed of them as they pleased. They seemed to be the property of the whole army, and nobody durst inquire or could procure knowledge of these injuries."—*Letter from Sir Andrew Mitchell's Factor, Bisset's Memoirs*, p. 24.

† The following statement of the terms of the general order is taken from

property—that, whether it belonged to rebels or not, it must be at the disposal of the courts of law, which alone could decide if it were legally forfeited.

The question was tried in an action against Captain Hamilton, of Cobham's dragoons. He had sold some farm-stocking on an estate, distributing the price received among his men, and it was asserted that, while a part of the land might be tenanted by a rebel, the remainder was not. When an application for redress was made to the Court of Session, Hamilton treated the writs of the Court with contemptuous silence, until a warrant was issued to seize him for contumacy. He then defended himself in the usual manner as a litigant, and was found personally liable to a claim of restitution. In the course of the litigation, his counsel pleaded the parliamentary indemnity for acts done in the suppression of the Rebellion. But he, at the same time, justified his client in terms which created high indignation; and it is not improbable that he gave his pleadings their offensive tone fully as much with a design of exposing the system, as of vindicating his client. He produced letters from superior officers—from Hawley, among others; whence he inferred that authority was given to seize the property of rebels as lawful spoil, just as if the army were in an enemy's country. In a rebellious district, it could

an application by the Captain Hamilton mentioned above to the Lord-Advocate, preserved in the "Glen-doig Papers":—

"After the battle of Culloden, which happened on the 16th of April 1746, his Majesty's troops were detached into the several parts of that country from whence the rebellion chiefly sprung, in pursuit of the rebels.

"It was given in orders to the officers, to seize the persons, the arms, and the ammunition of the rebels; and in case of resistance, to put them to the sword.

"It was also given in orders, that the goods, their cattle, corns, etc., might be seized, and might be disposed of, and the price divided among the officers and soldiers according to their pay; and it's believed these orders were put in execution in all the northern counties, and that this greatly distressed the rebels, and made the soldiers very alert in searching for and in apprehending the rebels."

not be helped if the property of the wrong person were seized; it was the fate of war. Had the officer gone to Galloway, or any other part of the country where it was not deemed necessary to quarter troops, he might have been responsible for exceeding the orders of his commander. But in a rebellious district, it was his duty and privilege to pillage the enemy, and if others suffered in carrying out this function, the accident could not be helped.*

To feel that, even at such a juncture as the suppression of a rebellion, the civil courts had strength enough to save the country from the practical application of despotic doctrines, was eminently satisfactory. But even the inferior and local civil authorities, when they were provoked to put forth their strength, found themselves more powerful than they thought they were, from the risk ever incurred in this country by the soldier who attempts to overawe or resist the civil power. Thus, in Aberdeen the officer in command intimated that the city was expected to make demonstrations of loyal joy on the 2d of August, the anniversary of the accession of the house of Brunswick. The public bells were rung, but the magistrates did not order an illumination, because the citizens had already been intolerably harassed by having over and over to exhibit this manifestation of public joy, "every time the rebels took it in their heads." In the night the soldiers went about smashing the windows. When the magistrates demanded a military inquiry, they were told by the commander, Lord An-

* See the pleadings in Elchies's Collection of Session Papers, Advocates' Library. One of the letters signed by Wolfe, Hawley's aid-de-camp, had these equivocal expressions—"You know the manner of treating the houses and possessions of rebels in this part of the country. The same freedom is to be used where you are, as has been hitherto practised; that is, *in searching for them and their arms, cattle and other things are usually found.*" Another letter bore, "General Hawley bade me tell you, that when any seizures are made of cattle or otherways in this part of the world, the commanding officer and every person concerned have shares in proportion to their pay."

crum, that they were themselves the provokers of the mischief, in declining to order an illumination. But they tried the strength of the civil power, by charging one of the officers with participating in the destruction; and when they issued a warrant for his apprehension, it was not deemed prudent for the military power to resist it.*

In July, the Duke of Cumberland made a triumphant progress to the capital, hailed at all the great towns as the deliverer of his country. His services did not go without substantial requital; for while President Forbes was in vain requesting repayment of the sums expended by him in keeping outrage from breaking out, the royal soldier, who had put it down with an exterminating sword, received by parliamentary vote a pension of L.25,000 a-year, in addition to his previous income as a prince of the blood.

The slaughter of the field was not long over, ere the scaffold was prepared. The government, which had so signally neglected to protect the country from insurrection, resolved to visit those who had disturbed it with a sweeping and effective blow. An act was passed before the suppression of the Rebellion, for suspending the law which required all bills for high treason to be found in the counties where the crime was committed. Captives could thus be tried wherever it was deemed most expedient; and though the main object of the act did not appear on its face, it was passed for the purpose of conveying the prisoners from Scotland to England, where they would be more readily convicted.

The judicial labours began at London on the 15th of July, with the trial of the officers taken in Carlisle. It was not difficult to bring sufficient evidence against them; for to have been found where they were found, when

* Letter, George Burnet of Kemnay. Bisset's Memoirs of Sir A. Mitchell, p. 29.

Cumberland beset the place, in itself convicted them. Others followed, and the courts were kept at work in the metropolis for several months. The greater number of the ordinary offenders were, however, economically brought no farther south than the principal border towns of England. There were 382 prisoners in the Castle of Carlisle, on whom a commission was opened on the 12th of August. The official and judicial labour of bringing so large a number through the formal ordeal of a treason trial, seemed so formidable, that a method, reminding one of barbarous ages, was found for shortening it. The ordinary men were permitted to draw lots for one out of each twenty, who was to be tried for his life, while the other nineteen were banished by their own consent. Between the twentieth thus provided, and the more conspicuous persons selected as victims, bills were found against 127 men at Carlisle. Thirty-six were acquitted, and several were spared after conviction, on account of the mitigating circumstances disclosed at their trials. The number who were subjected to the usual brutal punishment of treason, appears to have been thirty-three. The most important of those whose names appear on the fatal list were the two MacDonalds of Kinloch-Moidart and Tyendrish, and Buchanan of Arnprior.* Another commission sat at York, from which, at different periods in the month of November, twenty-two were sent for execution.

While the ordinary judges were laboriously occupied with commoners, an august spectacle was presented in the opening of the Lord High Steward's court for trying the noble captives by their peers. After the usual formal preliminaries, the Lords sat in Westminster Hall on the 28th of July, to hear the charges against the Lords

* Carlisle in 1745, p. 247 *et seq.* For a specific enumeration of the convictions, etc., see the "History of the Rebellion in 1745 and 1746," extracted from the "Scots Magazine."

Balmerino, Kilmarnock, and Cromarty. The rugged Balmerino stood his trial, fought for his life in an unequal contest with the crown lawyers, and frankly resigned the contest when he found it useless. He bravely supported his principles to the block, and his last words were, "God bless King James." This attestation to the sincerity of his principles stood in noble contrast to Kilmarnock, who became a damning witness to the infamy of his own motives, by admitting, in the hour of trial, that his crime was of too heinous a nature to be vindicated. He pleaded eagerly and meanly for his life, but it was not granted. Cromarty followed his example in a modified shape. He did not so abjectly cringe, and he had more to say in his defence, for he had long hesitated ere he had committed himself to the cause of insurrection, and only yielded at last to the solicitations and seductions by which he was surrounded. He was spared, from consideration partly of his inferior guilt, and partly of the critical condition of his innocent wife.

These lords had been tried on bill of indictment by the grand jury of Surrey. Lovat, the last victim, was, from the peculiarity of his case, brought before the House by the more solemn process of impeachment. As he had not actually drawn the sword, his trial involved greater nicety, and a more intricate inquiry into the springs of the insurrection. It was memorable by the appearance of Secretary Murray, to lay down in that august assembly the treacherous price with which he bought his life. Lovat himself, though deeply stained in crime, seemed a hero beside the wretch in the witness-box, whom he treated with a scorn that seemed magnanimous. The old traitor, indeed, after exhausting all his ingenuity in a subtle defence, met his condemnation with the stoicism of the American Indian, and left the world like one who, sick of its vanities, had well prepared himself for the imperishable future. The three noble victims

had on the whole but meagre claims to pity; and the most painful feature in the history of the retribution, is the large proportion of humble people among the sufferers. They pleaded in many instances, what we know they could say with ample truth, that they had been forced to take arms, and had no other choice before them. But those who administered, for persons living in the Highland Regalities, the laws made for the citizens of London and the farmers of Essex, could only receive such a plea with a half pitying, half contemptuous smile, and remark that in this free country, no one could plead coercion as a justification of crime. Found a second time, however, producing effects so alarming, there is no doubt that what the judges and crown lawyers heard at these trials, convinced them of the absolute necessity of immediately removing the coercive power of the Scottish aristocracy.

A list of forty-three persons who were deemed of sufficient importance to be attainted by act of Parliament, indicates the large proportion of persons of rank who escaped, and shows that it was not entirely with the consent of the government that the list of important victims bore so small a proportion to that of the obscure.*

* The attainted are thus enumerated in the act:—"Alexander, Earl of Kellie; William, Viscount of Strathallan; Alexander, Lord Pitsligo; David Wemyss, Esquire, commonly called Lord Elcho, eldest son and heir-apparent of James, Earl of Wemyss; James Drummond, Esquire, eldest son and heir-apparent of William, Viscount of Strathallan; Simon Fraser, Esquire, eldest son and heir-apparent of Simon, Lord Lovat; George Murray, Esquire, commonly called Lord George Murray, brother to James, Duke of Athol; Lewis Gordon, Esquire, commonly called Lord Lewis Gordon, brother to Cosmo George, Duke of Gordon; James Drummond, taking upon himself the title of Duke of Perth; James Graham, late of Duntroon, taking on himself the title of Viscount of Dundee; John Nairn, taking upon himself the title or stile of Lord Nairn; David Ogilvie, taking upon himself the title of Lord Ogilvie; John Drummond, taking upon himself the stile or title of Lord John Drummond, brother to James Drummond, taking on himself the title of Duke of Perth; Robert Mercer, Esquire, otherwise Nairn, of Aldie; Sir William Gordon of Park; John Murray, of Broughton, Esquire; John Gordon, the elder, of Glenbuckett; Donald Cameron, the younger, of Lochiel;

He who had been the great cause of all this calamitous history had also escaped. Perhaps it was well, for with such a captive it would have been difficult to deal. He did not go unpunished; and through toilsome dejected wanderings, and privations to the utmost endurance of the human frame, he had opportunities for reflecting whether he had, in unselfish sincerity, followed the divine law by which he professed to be guided, and in scattering around him so much calamity in efforts to grasp a crown, had been truly acting as representative on earth of a beneficent Deity.

When he left Lovat at Gortuleg, he rode hard along General Wade's road by Fort-Augustus to the Glengarry country, thence passed westward to Lochiel's country and Loch Morar, and halted for a time in comparative safety at the remote forest of Glenbiasdale. On the 24th he sailed in a boat with a small cluster of attendants from Loch Na Nuach, the bay where he had first landed. After encountering a storm which, if it subjected them to hardships, reduced their risk of capture, they next day reached the wild island or isolated rock of Benbecula. In the beginning of June he was conveyed to the Lewis,

Doctor Archibald Cameron, brother to Dónald Cameron, the younger, of Lochiel; Ludovick Cameron, of Tor Castle; Alexander Cameron, of Dungallon; Donald MacDonald, of Clanronald, junior, son to Rhonald MacDonald, of Clanronald; Donald MacDonald, of Lochgarie; Alexander MacDonald, of Keppoch; Archibald MacDonald, son of Col MacDonald, of Barisdale; Alexander MacDonald, of Glencoe; Evan MacPherson, of Clunie; Lauchlan MacLauchlan, of Castle Lauchlan; John MacKinnon, of MacKinnon; Charles Stewart, of Ardshiel; George Lockhart, eldest son and heir-apparent of George Lockhart, of Carnwath; Lawrence Oliphant, the elder, of Gask; Lawrence Oliphant, the younger, of Gask; James Graham, the younger, of Airth: John Stewart, commonly called John Roy Stewart; Francis Farquharson, of Monalterye; Alexander MacGilivrae, of Drumaglash; Lauchlan MacIntosh, Merchant at Inverness; Malcolm Ross, son of Alexander Ross, of Pitcalny; Alexander MacLeod, son to Master John MacLeod, Advocate; John Hay, Portioner of Restalrig, Writer to the Signet; Andrew Lumsdale, otherwise Lumsdain, son to William Lumsdale, otherwise Lumsdain, Writer, in Edinburgh; and William Fidler, Clerk in the Auditor's Office in the Exchequer of Scotland"

and made an attempt to obtain a vessel at Stornoway, but was baffled, and with difficulty escaped from the island. Returning to the solitudes of Benbecula, he narrowly escaped capture by a man-of-war. He removed to a safer retreat in South Uist, where he remained for some weeks. Not yet entirely abandoning all hope, he sent a messenger to the mainland to Lochiel and Secretary Murray, who were hiding at Loch Arkaig, but the return he received was as discouraging as the despair of the chief and the nascent treachery of the secretary could make it. In the middle of June, South Uist became an unsafe resting place, for ships of war were hovering about at sea, and parties of the independent companies who had got scent of the direction of his escape, were seeking him on land. In his extremity he had to abandon his few faithful attendants, and skulk alone among the mountains. But he was fortunate, about the 20th of June, in accidentally meeting with the young Highland lady Flora MacDonald, whose name became justly celebrated for a series of humane services in which she combined the hardihood of a strong and brave man with the tenderness of a gentle and cultivated woman.

The project in the accomplishment of which she so materially aided was to convey the wanderer to Skye, where from the loyalty of the two main chiefs, there was a less formidable search than in the archipelago of the Long Island, infested by military parties. Attended by his fair guide, he was received by a fusilade in attempting to land at Waternish. He had to put hastily off, and disembark in the centre of the territory of Sir Alexander MacDonald, his opponent; but the chief was absent, and his wife, an accomplished lady of the house of Eglinton, gave the fugitive shelter. He was committed to the charge of MacDonald of Kingsburgh, who though subsidiary to Sir Alexander, was a cadet of rank sufficient

to have a considerable voice with the clan, and was known to have strong Jacobite prepossessions. Thus aided, the wanderer passed from Skye to the low stony island of Rasay scantily patched with turf, day succeeding day with its almost monotonous scenes of hardships. After returning to Skye and again wandering over the island for several days, he was conveyed in a boat on the 4th of July to the mainland. The district where he now had to wander, if not more desolate, was piled up in higher mountains and pierced by narrower glens than the islands he had left. It was the wild district lying between Loch Hourn and Loch Shiel. His presence there was so far suspected that a chain of sentinels were kept up between the heads of the two lochs. But the ruggedness of the country proved his protection, and he was enabled, by the aid of a sharp guide, to descend unperceived a corrie close to the point where two sentinels of the cordon met each other and walked back. For some time afterwards he lived with a band of rievers or freebooters, in a cave in Glenmoriston, where he was fed by the produce of their plunder. In the middle of August, it was reported that the Glengarry district was clear of troops; and setting off thither on the 20th, he led a life of comparative comfort and ease, in having sufficient food and being less closely hunted. It was not until the 20th of September, after wandering upwards of five months, that he was conveyed on board a French vessel which had hovered on the coast to rescue him, and received him in Loch Na Nuach, thus rendered a third time memorable to him. He went to experience a passing blaze of popularity such as greets a favourite actor, and then to be subjected to humiliation after humiliation, until, refusing to leave Paris, whence Britain required his dismissal, he was seized and bound with pieces of ribbon, substituted for chains as a mocking homage to his rank. The wretched habits

which made him afterwards an unhappy object of contemplation even to his opponents, seem to have dated from his wanderings, and they were probably the symptoms of a physical disease engendered by hardship and want of nourishment. Intemperance is not mentioned among his habits during his campaign; but those who aided him after his flight from Culloden, had occasionally to stint his consumption of whisky, lest he should unfit himself for his difficult and perilous task. The narrative of his adventures published far and wide the characteristic fidelity of the humble people among whom he sojourned. It is true that the reward offered for him—thirty thousand pounds—was too large for their imagination practically to grasp as an available fund. But fidelity to their undertakings as followers is essentially a virtue, almost a religion, among the humble Highlanders.

From the cessation of the Rebellion down to the end of the session of 1748, Parliament was occupied in finding remedies for those social peculiarities which had fed the Rebellion. A pretty full account of the condition of the country anterior to the outbreak, renders it unnecessary to repeat the specific defects for which a remedy was found in this course of legislation. One peculiarity in its character, distinguishing it from the British legislation for Scotland immediately after the Union, was that while the measures were more radical and effective than their predecessors, they were prepared with a far more careful consideration of Scottish institutions, and avoided that rash and dictatorial application of English principles which had hitherto been both offensive and ineffective. The disposal of the forfeited estates was placed in the hands of the Court of Exchequer, and proceeded in harmony with the law and the established tribunals of Scotland, instead of being vested in commissioners who were strangers to the institutions of the country. The first step in the wider remedial legislation was for

the House of Lords to require the assistance of the Court of Session in preparing measures for remedying the great evil of the hereditary or heritable jurisdictions. The Court represented that in performing this task they were bound to consider that in the Act of Union, these jurisdictions were reserved as private rights; that they were actual sources of emolument, and that they could not propose as ministers of justice to dispose of them otherwise than by a national purchase of the dangerous privileges for the crown as representing the public.

They represented further, that anomalous as they might be in a free country, there were deficiencies supplied in their own rough way by those local courts scattered throughout the distant solitudes of Scotland, which must be otherwise provided for on their abolition. In the Highlands especially, the arm of central justice was seldom strong enough to enter. The government had taken the careless plan of letting him who was strongest on the spot administer the law. The system had been abused for all conceivable purposes of mischief; but ere deciding that it should be swept away, the government must be prepared with a substitute, otherwise the remote regions would be left not only without law, but without even such control as the rude old system imposed on the inhabitants. At the head of the arrangements for carrying justice throughout the land, the system begun in England in the reign of Henry II., for sending the royal courts at fixed intervals through the provinces, was adopted. Nominally there had been circuits or justice-ayres, but they were not systematically held, either at stated intervals of time, or so as to bring up before them the revisal of the administration of justice in all the districts. This, indeed, was impossible while the hereditary jurisdictions remained, but now regular circuits were to take place biennially, and the country was so partitioned into districts, that the higher offences were systemati-

cally brought up from the most remote provinces for adjudication.

The exceptional hereditary jurisdictions, such as the Regalities, were abolished, and the smaller authority exercised in baronial courts was restricted to trifling matters. The Sheriff courts, locally commensurate in their authority with the boundaries of the counties, were taken as the foundation of a system of local tribunals, presided over by responsible judges. Those which were hereditary were to be yielded to the crown; and ever since the passing of the act, the sheriff of each county has been appointed, like the other judges, for life, removeable only for misconduct.

Provision was made for the Court of Session fixing the sums to be paid, as the price of the hereditary jurisdictions, on the application of the owners. This would not, of course, extend to those convicted or attainted, whose jurisdictions would be forfeited, with their other property, to the crown.

The sum awarded for the jurisdictions thus purchased, was, in round numbers, a hundred and fifty thousand pounds, exclusive of a few trifling sums paid to the holders for life of some petty local offices. The distribution of such a sum among the gentry was not only well suited to reconcile them to the departure of their invidious privileges, but it immediately converted the instrument of oppression and extortion, which cast a blight around it, into a fountain of expenditure and employment. Small as the sum was, in comparison with the wealth of Britain, there is little doubt that it had a material share in giving to agriculture the immediate impulse caught by it at the middle of the century, by enabling some landowners to improve their property, and give liberal terms to their tenants. The Argyle family obtained the largest individual share in the distribution. It amounted to L.21,000, but it bought up

their old right of justiciary, which had been reserved to them when that supreme judicature, through the rest of the country, was vested in the crown. It involved the whole administration of supreme criminal justice in Argyle and the Western Isles, and brought the house of Argyle a considerable revenue. The other sums graduated from L.6,621, paid to the Duke of Queensberry for the heritable sheriffship of Dumfriesshire and the lordship of Dalgarno, down to L.65, 19s. 9d., awarded to Sir James Lockhart for the regality of Carstairs.

A special act was passed for abolishing the military tenure called "wardholding." By this relic of ancient feudality, military service had remained down to that juncture the condition under which lands were held by one subject from another. Efforts were of course made to bring land into commerce, by substituting pecuniary arrangements for such services, but the "wardholding" was so essentially the proper feudal usage, that the lawyers held it to be always understood, if some other arrangements were not very specifically settled. It had become the means of very oppressive exactions or "casualties," arising out of those conditions—such as minority—where the military service could not be performed. But, by the act of 1746, arrangements were devised for converting all the superior's privileges into reasonable pecuniary claims.

At the conclusion of the session of 1746, in which this act was carried, a general indemnity was passed for political offences in the Rebellion. The only act which met much resistance in Parliament, was one of those intended to exclude Episcopal clergymen, who received their letters of orders from the representatives of the old Scottish Episcopal church, from the toleration extended to those ordained in England or Ireland, and qualifying in Scotland. Doubts having arisen whether an act passed in 1747 had a retrospective effect, so as to exclude those

who had qualified before the date of its operation, another act was passed in 1748, with retro-active effect, which was opposed by some of the English bishops and other friends of Episcopacy, and only carried after a tough debate. The character of the measure has received more full elucidation, in connection with the ecclesiastic department of this history.*

Along with the beneficial measures accompanying a law of so intolerant a tendency, there was another act of dubious utility for accomplishing a disarming of the Highlanders, with a prohibition of their peculiar dress. After provisions for enforcing a search for arms in the Highland districts, with heavy penalties against those refusing to give them up on being summoned, or endeavouring to conceal them, there is a provision, sanctioned by the penalty of six months' imprisonment, that none but soldiers in the army shall wear Highland clothes, which are defined as "the plaid, philabeg or little kilt, trews, and shoulder-belts," while the use of tartan is prohibited for "great-coats or upper-coats." The act stands in the statute-book as the latest remnant of that species of legislation which launched against those who wore hair on the upper lip, the dread penalty of being treated as "mere Irish." The question with such sumptuary enactments, is not whether their object is right, but whether they are capable of producing it, by subjecting the subtle elements which rule costume and other gregarious creations of fashion, to the clumsy manipulation of laws suited only to deal with substantial offences. This act, though force made it to some effect available in its time, has been amply revenged by the re-action of later days. It served to make what was a barbarism of the eighteenth, a fashion of the nineteenth, century. The dress put down by act of Parliament became his-

* See above, p. 358.

torically dignified, and to that statute we may attribute the fact that the costume against which it was levelled, has found so much support and popularity at the present day.

With such secondary exceptions, the acts passed in the two years after the conclusion of the Rebellion were eminently beneficent in their influence. At the turning of the half-century, Scotland took a start onward of almost unexampled rapidity. The revival was not entirely the doing of this course of legislation. It had been, doubtless, ever since the Union, making latent progress in the character of the new generation, and the tendency of their views in life. But these legislative remedies removed the last barrier to healthy progress, and thus were so material in their beneficent influence, that they naturally obtained the reputation of having immediately created a new social life in Scotland.

CHAPTER XXIV.

Sketch of the History of Literature and Art—Art first disposed of from its Limited Bounds—Painting—No Acquisitions in this Department Lost—Aikman—Ramsay—Engraving—Strange—Sculpture a blank—Architecture a falling back—Reasons of the Poverty of Ecclesiastical Architecture—The Towns—The Loss of the Old Castellated Style—Sir William Bruce—The elder Adam—James Gibbs—Literature—Difficulties in the Character of the Language—The Scottish Abandoned as a Pure Literary Tongue—Retained in Poetry, and why?—Allan Ramsay—Thomson—Minor Poets—Other Departments of Literature—Science—Scholarship—History—The Dawn of Resuscitation.

In a rapid sketch of the achievements in literature and art throughout Scotland, during the period embraced by this history, art obtains the precedence, on account of the distinct and narrow limits which it at once presents to the eye. National art was in a miserable condition. There were artists who were Scotsmen, and works of art were brought into Scotland; but, taken in the stricter sense of works produced by Scotsmen for a Scottish public, national art is nearly a blank from the Revolution to the middle of the eighteenth century.

In painting there was little ancestral fame to be lost. True, in the early part of the preceding century, George Jamesone, the son of a burgess in Aberdeen, surprised his fellow-townsmen by a meteoric return from the Continent, gifted as if by magic with the free rich brush of the Flemish painters. The northern citizen had sent his son, no one can tell for what inscrutable reason, to work in the studio of Rubens, where it is said he sat

beside Vandyke. His paintings had some of the transparent flesh-tints of his master, and of the intellectual expressiveness so potent in the works of his fellow-student. They were wonderful in their day and place, and are interesting at present, from their life-like preservation of the characteristics of a stirring age—of the hard-featured and severe leaders of the Covenant, and the fiery and reckless Cavaliers. He was, perhaps, except Dobson, the best British-born portrait painter of his day; and yet one might be permitted to wonder why a youth with opportunities so brilliant, became so poor a painter.

He died before the Revolution, and comes within the scope of the present sketch only to let us notice how little was propagated of the art thus chance-sown. His memory did nothing to raise its dignity in the estimation of the public, or to turn the ambition of the young generation to the direction of art. One person only seems to have been imbued from this source with the artist spirit—his grandson, John Alexander. He studied some time in Italy. He is said to have painted portraits and even historical pictures, which are now unknown; but the curious know him as the engraver of a rough, but expressive plate, from a family group by Jamesone, representing the artist himself, his wife a comely woman decked with a tartan screen, and a chubby bright-eyed little girl, who was probably the engraver's mother.

The wealthy families of Scotland of course gave some patronage to portrait painting in Queen Anne's reign, but it did not further native art. *De Witt*, a Dutch artist, brought over to paint the imaginary portraits of many of those imaginary persons who hang as the Scottish kings in Holyrood House, had some employment of this kind. Sir John Medina found so much to do in Scotland that he became domesticated in the country. He had a son who seems to have become a naturalised Scotsman, and who adopted the paternal pro-

fession. Some portraits by him are believed to exist, but he spent too much time with the young bloods drinking claret in the oyster cellars, to acquire steady eminence; and he appears to have mainly obtained his livelihood by painting for the dealers genuine likenesses of Queen Mary. It is believed that the greater number of the pictures attested by tradition in the venerable families preserving them as undoubted original representations of that popular princess, have come from the younger Medina's prolific brush.

Two painters of Scottish origin, however, arose in that age to vindicate it from the charge of artistic barrenness. William Aikman, a Forfarshire laird, seized by what his neighbours deemed a sad insanity, sold his estate when he was still in his improveable youth, and went to Rome to devote himself to art. He succeeded so far as to become a fashionable London portrait painter, and was employed by the Earl of Burlington and other rich patricians, to decorate their mansions with large family groups and royal likenesses. But he appears never to have given his native country the opportunity of boasting that she possessed in him an artist.

Allan Ramsay, the son of the poet, did not so entirely sever his fame from his native country, though he too studied at Rome, lived chiefly in England, and became a fashionable portrait painter. In later life he acquired great reputation for the success with which he brought out all the glories of the renowned legs of Lord Bute; and his portrait of George III. in his youth, was very successful. The temptation to the artist whose fame has reached the ears of royalty, to paint state pictures, must always be great, and the world loses the higher art for the manipulation of velvet and ermine. Ramsay, however, was a high artist as well as a court painter. He had a fine taste for natural beauty. It is visible in many of his pictures, and few artists have produced a

sweeter representation of youth, innocence, and beauty, than his portrait of the blooming daughter of Lyndsay of Eyvelich, who afterwards became his wife—a picture so much lauded by Wilkie that he recommended an eminent artist to go to Edinburgh that he might see it. With Ramsay ends the scanty list of Scottish painters. There is no other worthy of notice, until the rugged grandeur of Runciman breaks in on the blank monotony, long after the period of this history.

Scotland, however, produced within our period an engraver, whose mastery of the ancillary art gave it in his person more dignity than the higher plastic arts have achieved in ordinary hands. Sir Robert Strange's works are well known to all lovers of art. There will ever be differences of opinion as to his exact place in his profession, but no one denies that it is very high. In the opinion, indeed, of many critics, he is totally unapproached by any other engraver, in his happy union of clearness, richness, and decision; in the pliant smoothness of his flesh, the rich softness of his drapery, and the picturesque but clear depth of his shadows. It is part of his merit that for the exercise of that art which has so much influence in disseminating beautiful forms, he selected the noblest pictures in the world. He produced in one or two instances such effects as the breezy sky, active grouping, and cheerful landscape of Wouvermans, to show as it were what he could do. But his passion for art, and his masterships, were in the forms of scarce earthly beauty which he beheld in the immortal paintings of Raphael, Correggio, Guido, Titian, and Guercino. He was an Orkney youth, who came unfriended to Edinburgh a little before the Forty-five, and worked in the office of an engraver who can scarcely have set before him any higher achievements than shop bills and coats of arms for book plates. He joined the Rebellion—perhaps a fortunate incident, for probably finding himself uneasy in Edin-

burgh, it tempted him to go to Italy where he found scope for his genius. It had shown its powerful growth even in his barren native soil, and he was one of those remarkable possessors of the artistic faculty whose genius, if they get but the barest opportunities of study, arise in luxuriant growth.

What the notions of his countrymen about engraving were, we may conceive from the views of the towns and principal buildings executed by Captain Sletzer, a Dutch engineer, whose productions were deemed an important national work at the period of the Union. The work has been revived in the present century, because it gives some data for knowing the extent of the towns in that age, and the nature of many buildings which have wholly or partially disappeared. But this purpose is but imperfectly served, owing to the utter incapacity of the artist to represent distinctly what he saw before him; and the resuscitation of the representations of ancient buildings is at the same time a resuscitation of the miserable notions entertained of even the humblest style of art at the beginning of the last century in Scotland.

Strange's engravings must have done much to create a better taste in his own country. Though he is seldom mentioned in contemporary literature, the Scots took to him as a national artist, and purchased his plates. This is attested at the present day by the frequency of their occurrence in their original narrow black frames, not only in the country houses of the gentry, but in the stores of brokers and petty printsellers.

The department of sculpture in the period here embraced is an entire blank. It is not known that any one professed to practise it as an art, though the stone-mason sometimes undertook decorative work. Its nature may be chiefly ascertained by meditations among the tombs in old churchyards, where bob-wigged angels greatly predominate, and are executed with much the same amount

of sculptural skill as Captain Cook found among the New Zealanders. In this department there seems to have been no attempt to separate the artist from the workman; and in the generation which succeeded the period here embraced, an Edinburgh citizen, who developed a wonderful genius for entaglio cutting, was deemed merely a phenomenon among workmen, and found that he need not seek a position above their rank.*

Perhaps in architecture, more than in other arts, can we specifically decide whether a nation has made progress or degenerated. People need not possess paintings or sculpture, but all communities who have risen above barbarism must have houses constructed with more or less taste. Taken by this criterion, Scotland had decidedly fallen back in the eighteenth century from the architectural capacities or demands of an earlier period. The adaptation from foreign sources, of systems both in the ecclesiastical and the baronial departments, which made a remarkable Scottish school of architecture, has already called for historical consideration. The bold individual peculiarities—the variety, the beauty, and the richness of design and detail exhibited in the old Scottish buildings, as the stranger may see them in the powerful pictorial transcripts of Mr Billings,—are a sad reproach to architectural taste and exertion in Scotland in the early part of the eighteenth century.

The entire degeneracy of ecclesiastical architecture has often been noticed with sarcasm and reproof. While the depressed form of Gothic lingered in England, the florid system more recently brought from France to Scotland

* This was William Berry, who executed one or two entaglio portraits and groups, so high in their own class of art that critics have pronounced them unexcelled. Though a laborious man, however, his productions of this kind were very few, and he found he could only live by cutting coats of arms, which his skill enabled him to quarter with marvellous minuteness, preserving throughout the proper heraldic indications of the colours and metals.

was checked suddenly at the Reformation, and was succeeded by no other. The character of the Scottish parochial churches has prompted strangers to maintain that the Presbyterian religion of Scotland, unlike the forms of the Protestant faith adopted in other countries, is hostile to the development of ornament and good taste in places of worship. This general censure is allied with a current but ill-founded belief, that the early destruction of ecclesiastical buildings, caused by the license of the times, was especially enjoined by Knox and the clergy of the Reformation. But the reproach, so far as it would make bad architectural taste a necessary element of the Presbyterian system, is practically disproved by the fact, that the several Presbyterian bodies throughout Scotland have now a rivalry in the most apt adoption, according to their means, of the mediæval forms of ecclesiastical architecture. The efforts of the architects ministering to their desires have often the meagreness and unmeaningness to be found in prompt revivals of old long-abandoned arts, where the external forms are adopted without a study of the principles which have been handed down among the original artists through generations of development. Still the intention is artistic, and at once pronounces that something else than the religion of the country caused the dearth of architectural beauty in the preceding century.

But while it is thus shown that the predominant religion in Scotland had nothing antagonistic to architectural taste, it is as certainly known that the men who adopted this religion were, from historical circumstances, the antagonists of intellectual or æsthetic development in this direction. The iconoclastic spirit which arose at the Reformation revived from time to time as it met antagonistic principles. It was bitterly aroused in the seventeenth century, when, contemporaneously with the ceremonial restorations by Laud and Wren condemned

as Popish, their friends in the north were making an effort to restore the forms of mediæval architecture in the parochial churches of Scotland.* There was a new alarm, when it was said that, through the influence of the Popish Duke of York, the church of the Canongate in Edinburgh was built in the form of a cross.

The Episcopalians, after the Revolution, sought ornament in the interior of their churches, so far as their humble means permitted. Their ecclesiastical historians say that their handsomest edifices were destroyed by the military in the suppression of the Rebellion. But in those which have survived there is observable a decided effort to achieve interior decoration, a curious instance of which may be found in the chapel of St Paul's in the old Gallowgate of Aberdeen, with its painted apse and its double colonnade of fluted Ionic columns. Humble as such efforts were, they marked a spirit antagonistic to the feeling prevalent among the members of the Established Church. Hence the ruling spirit there appears to have been, not only that the temple of worship should be totally undecorated, but that it should be endowed with a signal degree of ugliness as an emphatic protest against the opposite tendency.† The site

* A specimen of their attempts may be seen in the small church of Dairsie, in Fifeshire. It stands close to the paternal mansion of Archbishop Spottiswood, whose biographer says: "He publicly, and upon his own charges, built and adorned the church of Dairsie, after the decent English form; which, if the boisterous hand of a mad reformation had not disordered, is at this time one of the beautifulest little pieces of church work that is left in that unhappy country." The student of architecture will not assent to this, but will rather take the building as evidence of the entire departure of the principles of Gothic architecture. The details are wretchedly mimicked, and the attempt to mullion the windows makes them look like large slabs of stone, with holes punched in them.

† If we may believe the lamentation of a zealous nonjuror, this antagonism took a more positive form in the secularisation of churches. He says of the church of Fintray, built by Sir William Forbes of Craigievar in 1703, "This new church has an aisle for this family, wherein there is also a room for their use; and again within it a hearth, cupboard, etc., so that people

was sometimes ingeniously chosen to bring out the predominant character of the building; and so, in contrast to the English village church, with its mullioned windows and venerable spire or belfry-tower, nestling among ancient yew trees, the traveller saw, on a bare, windy muir, the square, rough stone building, with its small square windows scarce sufficient for light, squatting under a spreading mass of cold, gray, slated roof. When the dissenters began to build, they would have made their churches, if possible, more ugly; but the power of retrogression had exhausted itself, and could go no farther. Such are the sources and character of a practice which tended to depress a great branch of the architectural art of Scotland. To understand its true nature, so that the re-action fortunately now in progress may have a clear field of operation, it is necessary completely to separate the æsthetic phenomenon from religious opinion, and to remember that it is to the accident of historical antagonism that the depression must be attributed.

The civil and baronial architecture, as exhibited in the streets of the towns and the mansions of the gentry, scarcely redeemed the barrenness of the ecclesiastical. The cities had not yet taken their impulse of sudden enlargement which in the present day divides them generally into a new and old town, the one, wide and airy, spreading over the plain, with broad interstices—the other, heaped house over house in vast masses, excluding ventilation and defying purification.*

may eat and drink and even smoke in it if they will—a profaneness unheard of through all antiquity, and worthy of the age wherein we live; for, since the Revolution, the like liberty has been taken in several churches in the south, as particularly Newbattle and"—(View of the Diocese of Aberdeen, Spalding Club, p. 245.) The indignant writer was unable to remember his other instance in the south, and the practices he complains of were more likely to be adopted by the northern lairds, who, at heart Episcopalians, would readily show direspect to the Presbyterian worship. The reader will be reminded of the Captain of Knockdunder in "Old Mortality."

* It must be remembered, in estimating the sanitary capabilities of the old

The picturesque character of the old streets may perhaps have arisen more from the loftiness of the houses and their incidental irregularity than from architectural design. But the suburban buildings and subsidiary streets, added occasionally to the old masses in the early part of the century, were equally destitute of architectural design, and had not the same massive irregularities to give them incidental effect. An attempt to raise the character of civic architecture appears to have been one of the great designs of the national company which was ruined by the Darien expedition. The edifice built for their own offices—now the pauper lunatic asylum of the city of Edinburgh—is a fragment in the later French style, remarkable for its simple and noble proportions. Perhaps it was built by Sir William Bruce of Kinross, who was a man of taste, with a powerful love of design, which he allowed himself to practise as far as he deemed consistent with the dignity of a Scottish gentleman of ancient lineage. He designed the more modern portion of Holyrood House, and had the good taste to make the most conspicuous part of it a tower with flanking turrets to correspond with the older building.

In the baronial residences, the old style with its clustered turrets, rising in oriental looking variety, disappeared long before the Revolution. In some instances

towns, that they have been brought to their present low condition by the subsequent enlargements, surrounding the ancient town and depriving it of its original means of simple purification. The character of a Scottish town was generally one long central street on the ridge of a hill. However narrow might be the street or flanking lanes, the houses had in general one side open to the country, looking immediately into the gardens with which the old towns were environed. These gardens were the great pride of the wealthier citizens. They were often terraced and extensively decorated in the Dutch fashion. The pleasure-houses, built generally at the extremity farthest from the street, were sometimes large and costly, as if for the entertainment of considerable parties of guests in the summer evenings. A few specimens of them yet remain.

the heads of the great aristocratic families thought it incumbent on them to introduce something resembling the English baronial fortress with its flanking towers and Gothic screen. A characteristic instance may be seen at Inverary, of which the clumsy bulk and tawdry decorations are the more to be regretted, as, if we may believe a curious old print, the unsightly pile must have displaced a predecessor which, in the beautiful variety of turrets and decorated chimneys crowning the massive cluster of square and round towers, built into each other at different ages below, probably excelled Glammis and the finest specimens of this peculiar architecture in the north.

A few of the gentry, not ambitious of possessing fortresses, built houses in the square compact style adopted in English villa architecture; the decorations, where there were any, being generally thin pilasters or rather perpendicular mouldings. Probably the plans were mainly supplied by English architects; but Sir William Bruce may have contributed a few of them, along with the father of the two Adams, who was an amateur follower of the art in which they became afterwards celebrated. The elder Adam is indeed said to have been the architect of the Royal Infirmary of Edinburgh, a building which has a certain degree of florid dignity, and displays clear characteristics of the later French school. Scotland at that time counted among her sons one great architect, though his labours were not to decorate his native land. The church of St. Martin's-in-the-Fields, —which, brought to light by the clearings at the extremity of the Strand, relieves Trafalgar Square from the charge of architectural poverty and barbarism—was the work of James Gibbs, the son of a burgess of Aberdeen. It was received with an outbreak of professional censure as an architectural heresy, since it raised the taper spire—originally peculiar to the Gothic style and transferred from it among other barbarisms to the renaisance

—above a pure Corinthian portico. But what shocked the pedants, was by others deemed the boldness of true genius; and this church has had advocates who have maintained its superiority in chaste beauty to every other ecclesiastical building in London. The patronage of Gibbs was one good deed done to the world by a man who wrought much evil in his day—the rebel Earl of Mar. The artist, befriended by a secretary of state, obtained that opportunity of showing the full development of his powers of which men in his profession so often lament the absence. He built the Radcliffe library at Oxford, and the Senate-house at Cambridge. But, as if emphatically to show that the fruits of his genius were entirely to be withdrawn from his own countrymen, the only building in Scotland known to have been planned by him is the West Church in his native city of Aberdeen, of which it may be said that it combines whatever could be derived of gloomy and cumbrous from the character of the Gothic architecture, with whatever could be found of cold and rigid in the details of the Classic.

The development of pure literature in Scotland, had, for half a century after the Revolution, to struggle with a peculiar difficulty arising out of the tenor of the national history. The languages of England and of Lowland Scotland, speaking of both in a general sense, were as entirely taken from a northern Teutonic stock common to both, as the languages of Essex and Yorkshire. Like other national characteristics, the language of Scotland took a direction severing itself from that of England after the war of independence. Centuries elapsed, however, ere the distinctive peculiarities of each had gone far in its own direction, and away from the other. The earliest material change was in the language of England by the infusion of the Norman, while Scotland kept closer to the old Saxon stock. Thus it is that Scottish writers of the age of Gower and Chaucer

—such as Barbour the archdeacon of Aberdeen, and Wyntoun the monk of Lochleven—wrote a language more intelligible to the present age than that of their English contemporaries, because it is not so sensibly tinged with Gallicisms.

France had subsequently, as we have seen, a great social and constitutional influence in Scotland, which brought a few foreign terms into use, but it scarcely touched the structure of the language. This gradually assumed a purely national, or as it came to be deemed when Scotland was becoming absorbed into the British community, a provincial tongue. The Scottish poets of the sixteenth century wrote in a language as different from the English as we might suppose the Norse of the same age to be from the Danish. John Knox, who lived much in England, was charged with the affected employment of English novelties, because he attempted so to modify the Scottish peculiarities as to make his works readable to his friends beyond the border. It was felt, indeed, in his day, that the Scottish tongue was becoming provincial, and those who desired to speak beyond a mere home audience, wrote in Latin. Hence arose that class of scholars headed by Buchanan, who almost made the language of Rome vernacular to themselves. Those who are acquainted with the epistolary correspondence of learned Scotsmen in the seventeenth century, will observe how easily they take to Latin—how uneasy and diffident they feel in the use of English. Sometimes, indeed, the ancient language is evidently sought as a relief, when the writer is addressing one to whom he cannot use a Scottish expression, while he is unable to handle the corresponding English idiom.

But Latin was dying away as the common language of literature and science. Each great nation was forming her own literary tongue. The revolution was completed within the time embraced in this history. But Scotland

had not kept an independent literary language of her own, nor was she sufficiently expert in the use of that which had been created in England. Hence, in a great measure, we can distinctly account for the literary barrenness of the country. The men may have existed, but they had not the tools. An acquaintance with the correspondence of Scotsmen for the first half century after the Revolution, shows the extreme difficulty which even those who were high in rank and well educated felt in conveying their thoughts through a dialect imperfectly resembling the language of "The Spectator."

Any attempt to keep up a Scottish literary language had been abandoned in prose before the Revolution. In verse, incidental causes made it seem as if the struggle were still continued. The old Scottish melodies, so mysterious in their origin, never ceased to have the charm of musical association for the people. A verbal companionship was from time to time demanded for them in lyrical compositions adapted to their measure, and applying the old tunes to the current feelings and interests of the day. Many very humble productions of this kind were written; but others, such as Allan Ramsay's own songs, and those which he published in the "Tea-table Miscellany," showed high genius. Still these were avowedly provincial efforts, like the Irish songs produced as interludes in theatrical entertainments. They professed to be literary curiosities rather than to enter the great republic of letters, and take an independent place there. Not until Burns came boldly forth and took up his position at once upon his peasant rank and his provincial tongue, did the Scottish language seem to claim an independent place in modern literature. Had one of his brilliant, and at the same time hardy genius, appeared sixty years earlier, it is difficult to say how near Scotland might have been brought to a separate national literary tongue. But he took

up the language at a time when he could only leave a great monument to its power and sweetness, for his contemporaries had long expressed their allegiance to England, and would have felt it more difficult to resume the language of their grandfathers, than to remove the trifling peculiarities that still stamped them with provincialism.

There was, however, one distinguished man who, within the period under present consideration, wrote in the Scottish language—Allan Ramsay. It has been well observed, that his great pastoral has a decidedly city tone, and is not like the production of one who lived the life he attempted to paint. Yet Ramsay spent his early days in the solitudes of Craufurd Muir, and must have imbibed the full spirit of pastoral life before he trod the High Street. The reason of the artificial character of his drama, is that it uses words in their Scottish form, while the general structure is not national in its tone and character. Ramsay was ambitious to produce legitimate poetry. He imitated Pope, but found that he could not handle the English idiom with sufficient firmness to follow so great a master. He accomplished a more successful work when, keeping still to legitimate rules of arrangement and composition, he used the Scottish language. But he did so avowedly as one who seeks to try the applicability of its peculiarities to legitimate literature—not as one to whom Scottish literature, both in its form and spirit, was natural, while that of England was foreign.

The form in which another man of high genius struggled with the difficulties of a provincial idiom, was equally characteristic and remarkable, though of a totally distinct character. James Thomson, brought up, like Ramsay, among the pastoral muirlands, resolved to shake off at once the impediments of provincialism, and compete with the great poets of the south. But, as he could not adopt their idiom so rapidly as he could throw off his own, he constructed forms of expres-

sion for his own use, adapted to those niceties of language which idiom alone can accomplish; and hence came that neology which has displeased many who cannot help admiring the wonderfully expressive and descriptive power with which he handles his self-formed instrument of speech. Ever, apparently, dreading the reproach of provincialism, he not only stripped his thoughts of their natural idiomatic garb, but turned them into channels away from his own country, and shook off by degrees home associations and opinions, until he became the most characteristic poetic painter of English rural life and scenery. But he had not accomplished this severance when he wrote the first of his Seasons—Winter; and perhaps it was a subject on which his own country supplied more powerfully emphatic characteristics than England. There is no mistaking the native origin of many of the grand descriptions of gloom and storm with which it is eloquent. Among these stands pre-eminent, for its unrivalled combination of elementary sublimity and domestic pathos, the muirland shepherd who has lost his way in the snow-storm—

"When for the dusky spot, which fancy feign'd
His tufted cottage rising through the snow,
He meets the roughness of the middle waste,
Far from the track, and blest abode of man;
While round him night resistless closes fast,
And every tempest, howling o'er his head,
Renders the savage wilderness more wild.
Then throng the busy shapes into his mind,
Of cover'd pits, unfathomably deep,
A dire descent! beyond the power of frost;
Of faithless bogs; of precipices huge,
Smooth'd up with snow; and, what is land, unknown,
What water; of the still unfrozen spring,
In the loose marsh or solitary lake,
Where the fresh fountain from the bottom boils.
These check his fearful steps; and down he sinks,
Beneath the shelter of the shapeless drift,
Thinking o'er all the bitterness of death,
Mix'd with the tender anguish nature shoots,

Thro' the wrung bosom of the dying man,
His wife, his children, and his friends unseen.
In vain for him th' officious wife prepares
The fire fair blazing, and the vestment warm;
In vain his little children, peeping out
Into the mingling storm, demand their sire,
With tears of artless innocence. Alas!
Nor wife, nor children, more shall he behold,
Nor friends, nor sacred home. On every nerve
The deadly winter seizes; shuts up sense;
And, o'er his inmost vitals creeping cold,
Lays him along the snows, a stiffened corse,
Stretch'd out, and bleaching in the northern blast."

There were other men of genius, less broadly exhibiting the tendencies of the age, whose labours might have to be characterised in minor groups, were this a history of literature, instead of a passing sketch of its connection with civil history and the condition of the public mind. Armstrong and Mallet transferred their abilities entirely to England; and the latter changed his name from its original Perthshire Malloch, to sever himself more effectually from his country. Dr Pennecuik, Robertson of Strowan, Meston called the Scottish Butler, and some other forgotten men, wrote poems now unread; while the sweet and melodious trifles of Hamilton of Bangour, and Blair's "Grave," have had a more extended fame.

Perhaps one of the strongest indications of a dearth of poetic appreciation, is to be found in one of the best national poems of that age having been received with such neglect, that no one thought of asking about the author, until the lapse of nearly a century rendered it impossible to discover him. Scott was struck by the powerful description, pointed out to him by Leyden, in a dingy scrap of printed poetry accidentally picked up at a stall, of the superstition of the "spectre chase," when the terrified peasant hears

"The broken cry of deer
Mangled by throttling dogs; the shouts of men,
And hoofs thick beating on the hollow hill."

It occurred in a poem called "Albania." Leyden published this curious relic of a forgotten genius in his volume of "Descriptive Poems," itself now little known. Though the poet's countrymen preserved no notice of his individuality, the poem in its day attracted the notice of Aaron Hill, who said of its author—

> "Known, though unnamed, since, shunning vulgar praise,
> Thy muse would shine, and yet conceal her rays."

The commencement, though so common a thing as an invocation, is expressed with so much beauty and power, that had there been a feeling to appreciate poetry, it must have at once stood prominently forth from the current literature of the day.

> "O loved Albania! hardy nurse of men,
> Holding thy silver cross, I worship thee
> On this thy old and solemn festival,
> Early, ere yet the wakeful cock has crowed.
> Hear! goddess hear! that on the beryl stood
> Enthroned of old, and 'mid the waters' sound,
> Reign'st far and wide o'er many a sea-girt spot.
> Oh smile!—whether on high Dunedin thou
> Guardest the steep and iron-bolted rock,
> Where, trusted, lie the monarchy's last gems—
> The sceptre, sword, and crown that graced the brows,
> Since father Fergus, of a hundred kings:
> Or if, along the well-contested ground
> The warlike border land thou marchest proud
> In Teviotdale, where many a shepherd dwells,
> By lovely winding Tweed or Cheviot brown."

The most curious peculiarity of this poem, perhaps is, that, with patriotic aspirations and picturesque allusions to the wild local superstitions, there is interwoven a kind of inventory of the material productions of Scotland, in which the author handles the most humble domestic elements with a beauty that reminds one of the lobsters and flounders in the Raphaelite arabesques.

> "And hence the loving sea thy eastern coast
> Supplies with oysters soft and lobsters red,

And turbot, far-requested for his white
And mellow flesh—sea-pheasant often named;
And bearded cod, and yellow ling. Nor now
Can I rehearse the kind of mackerel streaked,
Omen of derth if too abundant found;
Nor angel-fish, viviparous and broad,
Hung up in air and seasoned with the wind;
Nor perch, whose head is spangled red and blue,
Foreboding woeful wars, as fishers swear;
Nor ravenous seal, that suckleth on the shore
Her hairy young, unawed by eye of man.
Her meeting oft at sunset on the coast
Of Angus, fruitful land of vital grain,
The wanton damsel mocks, and children join
Insultant to provoke with rustic names."*

Any view of the literary condition of Scotland, however brief, would be deficient in a material element if it failed to notice the blighting intellectual influence of the ecclesiastical disputes of the day. We have seen already how little and how poor was the ecclesiastical literature of the epoch of the Revolution. But it was the unhappy character of the conflicts to which this barrenness may be attributed, to exercise a desolating influence beyond their own natural sphere, though in a very peculiar shape. Light literature unfortunately assumed a character which deepened any prejudices formed against it by the more ardently religious portion of the community, instead of reconciling them to it as the proclaimer of truth and goodness, civilisation and religion. In England, licen-

* The unknown author's reference to the use of coal seems to intimate, by his reference to Devana, often used as the classical name of Aberdeen, that he was living there when he wrote.

"Watery Linlithgow's royal seat, or Porth,
Whose evening bells the roaming Highlander
Hears sweet through far-descending Stenton Hill;
Nor Fife, well peopled in her sea-towns, tiled;
Such also we in high Devana burn,
Glancing in marble hearth."

The poem, it may be mentioned, was published in London in 1737 as the work of a deceased clergyman.

tious literature had been a re-action against Puritanism, and the two forces had each their day of preponderance. In Scotland they were contemporary, and fought hand to hand in the same city, in the same street, in the same family circle. The part of Congreve, Wycherley, and the other dramatists of the Restoration, was performed in Scotland by their imitator, Dr Archibald Pitcairne, a man of great and varied, but ill-directed ability. He lashed the characteristics of the rigid Presbyterians with a sarcasm so audacious and savage, that one need wonder at no amount of retaliation invoked by it. Unfortunately he did not limit his flagellation to those peculiarities in which he, as belonging to another Christian church, might be the opponent of its enemies; but, in his eagerness to inflict a deadly stab, would handle words and ideas which ought to be reserved for more serious purposes. He not only ridiculed the clergy, but seemed to ridicule religion. Nor was this all. He could not only be charged with blasphemy and profaneness, but with indecency; and if the stage were made for no other purpose than to act such pieces as his "Assembly," there could be no doubt of its corrupting influence. He had a ceaseless contest with the clergy, which assumed, in one instance at least, the form of a protracted litigation in an action of damages which he conducted against one of them for defamation. They believed that there was no wickedness of which he was not capable, and seem to have attributed to him an amount of viciousness beyond what the human frame could endure along with the extensive professional labours and hard study with which it was united.*

* Wodrow says: "He was a professed deist, and by many said to be an atheist, though he has frequently professed his belief in a God, and said he could not deny a providence. However, he was a great mocker at religion, and ridiculer of it. He keeped no public society for worship, and on the Sabbath had his set meetings for ridiculing of the Scripture and sermons. He was a good humanist, and very curious in his choice of books and library. He got a vast income, but spent it upon drinking, *and was twice drunk every*

But Pitcairne was only the type of a class,—not numerous, but influential from rank and education. There has seldom been an age or place where ability has been so sadly prostituted. In the libraries of the curious will be found productions of Scottish talent in that age unfit for the light in any tolerably moral community, and which society at the present day, untrammelled as it is by external restrictions, would of its own accord reject with disgust. Among the writers of these pieces there were young men of high promise and conspicuous rank. The class of wits, for common safety, clung close together. They had their clubs where they pursued their vicious orgies in dead secrecy, and to these were confined much of the literature which dared not see the light. Dreadful tales were whispered among the clergy and the Presbyterian citizens about unhallowed scenes enacted in these conclaves, where it was believed that the enemy of man made his personal appearance, and that young rakes signed contracts with their blood, selling their souls to perdition for a surfeit of the vicious enjoyments of this world.

It shows the depth of the antagonism between the two classes, that while these clubs of vicious men were meeting to indulge in sallies which the present age would not tolerate, Erskine of Grange was prowling about Allan Ramsay's circulating library trying to devise some legal method of putting a stop to the perusal of the light literature with which he supplied the public. The zealous judge could not effect this desirable aim, and he and his clerical friends deeply lamented the law which made the proceedings of the ecclesiastical courts inoperative to civil

day. He was a sort of poet. There goes a story of an apparition he had frequently seen, which he owned. He died (1713) not very rich; and for some years he was much declined in his business and health. Some say he had remorse at his death; but others, that he continued to mock at religion and all that is serious."—*Analecta*, ii. 255.

punishment. Ramsay established a theatre, which, though meagre, was well regulated, and might have been successful in drawing into a more healthy current the habits of the pleasure-seekers of the day. It was viewed for some time with impotent wrath; but when the licensing act was passed, it was at once remorselessly suppressed.

In such a social dispute virtue and religion seemed to be ranked on one side, against vice and wit on the other. The zealous Presbyterian party, instead of cultivating, could ill tolerate genius. Thomson was brought up as a clergyman, but he found the flowery rhetoric in which he clothed his exegetical exercises deemed so offensive, that he abandoned the profession with a poet's indignation, and was perhaps prompted by the recollection of his experience within it to draw his celebrated picture of intolerance, and of

> "Cleric pride,
> Whose redd'ning cheek no contradiction bears;
> And holy slander, his associate firm,
> On whom the lying spirit still descends."

The wits readily accepted the feud; and it came to be considered the legitimate use of genius, to turn the Presbyterian clergy and their votaries into ridicule. Sometimes an attempt was made to retaliate in the same form, but ridicule was a weapon not to be effectively used on that side. It was impossible that a healthy national literature could grow out of a system in which what the greater part of the community revered, was perpetually lashed with sarcasm; and to this long-protracted war, we may attribute the irregularities which blemished the genius, first of Smollet, and afterwards of Burns, in whose social grade the feud had taken refuge after its departure, or at least its modification, in the higher and educated classes.

In the graver departments of intellectual greatness, Scotland was not more fortunate. Whatever was achieved

by her sons, seemed not to be destined for their native land. Among scientific men, the two Keills—the one eminent in anatomy, the other in mathematics—followed their friend Gregory to England. Thither, too, to reap the rewards of their science, went two of the most eccentric men of genius in their day—Cheyne and Arbuthnot; but the fame of the latter was destined to be of another kind. After Sir Robert Sibbald, an antiquary and naturalist of moderate abilities, died, about the year 1712, science in Scotland was solely represented by MacLaurin the mathematician, Alston the botanist, and Monro the anatomist, who founded the medical school which, in the succeeding generation, became so famous. Scholarship had an exception to the general barrenness in Ruddiman, who printed such editions of the classics as Scottish publishers do not undertake in the present day, and the Foulises became distinguished in the still more bleak intellectual atmosphere of Glasgow, by beginning to publish their series of accurate and beautiful contributions to Greek and Roman literature.

In other branches of literature in which Scotland afterwards reaped so much renown, there is little to say properly applicable to this period. The first historical writer living in Scotland was Thomas Blackwell, the imitator of Shaftesbury. Two large books of history and biography were produced. "The Martial Achievements of the Scots Nation," by Patrick Abercromby, in two volumes folio; and "The Lives and Characters of the most Eminent Writers of the Scots Nation," by Dr George MacKenzie, in three. These books, as patriotic works, took a prominent place on the shelves of those who could afford to have libraries; but it would be difficult to say which of them contains the larger number of foolish falsehoods, and shows the greater evidence of gross ignorance. The principles of historical literature were no better understood then in

Edinburgh than they were when Fordun wrote his chronicle, nearly four centuries earlier. Sir George MacKenzie, who died just after the opening period of this sketch, defended all the national fables with professional zeal, and intimated to an English antiquary, who doubted their truth, that had the doubt been expressed in Scotland, he might as a law officer of the crown have instituted proceedings against the author.

Thomas Innes, a priest of the Scots college at Paris, was the first to bring a spirit of critical inquiry to the history of his native country, but his work, neglected in its day as something beneath contempt, may be said to have been only published at the end of the century, when the progress of scientific views on historical evidence rendered its merits perceptible. The other Scotsmen who at that time had any distinction in historical literature, connected themselves with other countries. Bower, the historian of the Popes, who was, however, no real loss to his native land, domesticated himself in Italy until he was driven to England. Michael Thomas Ramsay, the author of the History of Turenne, and the Travels of Cyrus, preferred the French language to his own. Alexander Cunningham, a man of high ability, lived a diplomatic life abroad, and wrote the History of Britain for which his name is known, in Latin. Bishop Burnet, who was, perhaps, the most popular British historical writer of the age, was entirely severed from his native country before the Revolution. To conclude the series, Alexander Gordon, who examined the Roman antiquities of his own country for the first time with a critical eye, and wrote lives of the Borgias, and books, which in their day were esteemed, on Roman and Egyptian Archæology, had so little concern with his own country during his literary career, that no more is known of his connection with it than the simple fact that he was a native of Scotland.

There would be little satisfaction in contemplating a period of so much national intellectual obscurity, were it not that, through all this darkness, we know that the element of light existed, and was soon to rise and shine. Indeed, within the period here embraced and before the material resuscitation of the country was fairly begun, the dawn of intellectual revival was visible. Hume had, as yet unnoticed, published the philosophical work which was destined to arouse the thinking powers of his countrymen, and produce, partly by stimulative, partly by re-active influence, the remarkable school of the Scottish metaphysicians. Lord Kames, a genius of a lower grade, but who would have been eminent in the preceding generation, had already published some of his works. Hunter, Burnet of Monboddo, Thomas Reid, George Campbell, Robert Henry, Hugh Blair, John Home, Adam Ferguson, Joseph Black, and William Robertson, were all, in the strong vigour of their early manhood, starting together; and Adam Smith was pondering the new philosophy which was to supersede old opinions on the elements of material well-being, simplify a large department of the science of statesmanship, and engraft a great new element into the political science by which mankind are governed.

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